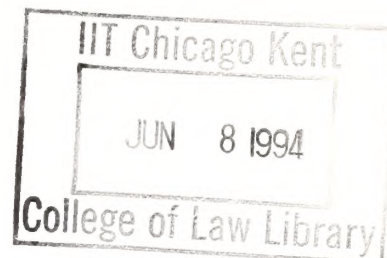


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TABLE OF CONTENTS

June 3, 1994 Volume 18, Issue 22

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Background Checks

89 Ill. Adm. Code 3858219

Licensing Standards For Foster Family Homes

89 Ill. Adm. Code 4028237

Reports of Child Abuse & Neglect

89 Ill. Adm. Code 3008240

FIRE MARSHAL, OFFICE OF THE STATE

Storage, Transportation, Sale & Use Of Petroleum & Other Regulated Substances

41 Ill. Adm. Code 1708267

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

Data Collection

77 Ill. Adm. Code 25108274

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Homeowner Mortgage Revenue Bond Program

47 Ill. Adm. Code 2608293

INSURANCE, DEPARTMENT OF

Group Coverage Discontinuance And Replacement

50 Ill. Adm. Code 20138320

POLLUTION CONTROL BOARD

Definitions And General Provisions

35 Ill. Adm. Code 2118331

Permits & General Provisions

35 Ill. Adm. Code 2018347

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Educational Services

89 Ill. Adm. Code 3148366

Reports Of Child Abuse & Neglect

89 Ill. Adm. Code 3008377

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

Illinois Promotion Act Programs

14 Ill. Adm. Code 5108387

Illinois Public Infrastructure Loan And Grant Program

14 Ill. Adm. Code 6108398

Technology Advancement And Development Act Programs

14 Ill. Adm. Code 5458415

PROFESSIONAL REGULATION, DEPARTMENT OF	
Real Estate Appraiser Certification	
68 Ill. Adm. Code 1455	8428

PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD	
Narrative & Planning Policies	
77 Ill. Adm. Code 1100	8448
Processing, Classification Policies And Review Criteria	
77 Ill. Adm. Code 1110	8455

EMERGENCY RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Discipline And Behavior Management In Child Care Facilities	
89 Ill. Adm. Code 384	8474
Licensing Standards For Foster Family Homes	
89 Ill. Adm. Code 402	8481

POLLUTION CONTROL BOARD	
Standards For Existing Landfills And Units	
35 Ill. Adm. Code 814	8488

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF	
Meat And Poultry Inspection Act	
8 Ill. Adm. Code 125	8493

JOINT COMMITTEE ON ADMINISTRATIVE RULES- STATEMENT OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS

FIRE MARSHAL, OFFICE OF THE STATE	
Policy & Procedures Manual For Fire Protection Personnel	
41 Ill. Adm. Code 140, Recommendation	8503

RACING BOARD, ILLINOIS	
Medication	
11 Ill. Adm. Code 509, Objection	8504

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	8505
-------------------------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

94-245 Tourism Day	8507
94-246 Black Child Development Week	8507

94-247	ENCARE Day	8507
94-248	Public Humanities Day	8508
94-249	School Counselor Week	8508
94-250	Greek American Heritage Week	8509
94-251	Jeff Childs Day	8510
94-252	John Stoffel Day	8510
94-253	Ray Passis Day	8511
94-254	Raymond J. Norbut Day	8511
94-255	Ron Koepl Day	8512
94-256	Cornelia De Lange Awareness Day	8512
94-257	CRS Day	8513
94-258	Eugene C. Swager Day	8513
94-259	Soccer Celebration Day	8514
94-260	Illinois Rivers Appreciation Month	8515
94-261	Moving Vietnam Memorial Wall Days	8516
94-262	Sweet Success Day	8516
94-263	Dr. Harold D. McAninch Day	8517
94-264	Operation Halyard Day	8517

CUMULATIVE INDEX

1994 Index - Issue # 22CI-1

SECTIONS AFFECTED INDEX

1994 Index - Issue # 22SAI-1

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
Dec. 28, 1993	Jan. 4, 1994	2	Jan. 14, 1994	July 5, 1994	July 12, 1994	29	July 22, 1994
Jan. 4, 1994	Jan. 11, 1994	3	Jan. 21, 1994	July 12, 1994	July 19, 1994	30	July 29, 1994
Jan. 11, 1994	Jan. 18, 1994	4	Jan. 28, 1994	July 19, 1994	July 26, 1994	31	Aug. 5, 1994
Jan. 18, 1994	Jan. 25, 1994	5	Feb. 4, 1994	July 26, 1994	Aug. 2, 1994	32	Aug. 12, 1994
Jan. 25, 1994	Feb. 1, 1994	6 (Mon.)	Feb. 14, 1994	Aug. 2, 1994	Aug. 9, 1994	33	Aug. 19, 1994
Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
Feb. 8, 1994	Feb. 15, 1994	8	Feb. 25, 1994	Aug. 16, 1994	Aug. 23, 1994	35	Sept. 2, 1994
Feb. 15, 1994	Feb. 22, 1994	9	Mar. 4, 1994	Aug. 23, 1994	Aug. 30, 1994	36	Sept. 9, 1994
Feb. 22, 1994	Mar. 1, 1994	10	Mar. 11, 1994	Aug. 30, 1994	Sept. 6, 1994	37	Sept. 16, 1994
Mar. 1, 1994	Mar. 8, 1994	11	Mar. 18, 1994	Sept. 6, 1994	Sept. 13, 1994	38	Sept. 23, 1994
Mar. 8, 1994	Mar. 15, 1994	12	Mar. 25, 1994	Sept. 13, 1994	Sept. 20, 1994	39	Sept. 30, 1994
Mar. 15, 1994	Mar. 22, 1994	13	Apr. 1, 1994	Sept. 20, 1994	Sept. 27, 1994	40	Oct. 7, 1994
Mar. 22, 1994	Mar. 29, 1994	14	Apr. 8, 1994	Sept. 27, 1994	Oct. 4, 1994	41	Oct. 14, 1994
Mar. 29, 1994	Apr. 5, 1994	15	Apr. 15, 1994	Oct. 4, 1994	Oct. 11, 1994	42	Oct. 21, 1994
Apr. 5, 1994	Apr. 12, 1994	16	Apr. 22, 1994	Oct. 11, 1994	Oct. 18, 1994	43	Oct. 28, 1994
Apr. 12, 1994	Apr. 19, 1994	17	Apr. 29, 1994	Oct. 18, 1994	Oct. 25, 1994	44	Nov. 4, 1994
Apr. 19, 1994	Apr. 26, 1994	18	May 6, 1994	Oct. 25, 1994	Nov. 1, 1994	45	Nov. 14, 1994 (Mon.)
Apr. 26, 1994	May 3, 1994	19	May 13, 1994	Nov. 1, 1994	Nov. 7, 1994 (Mon.)	46	Nov. 18, 1994
May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
June 7, 1994	June 14, 1994	25	June 24, 1994	Dec. 13, 1994	Dec. 20, 1994	52	Dec. 30, 1994
June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Background Checks
- 2) Code Citation: 89 Ill. Adm. Code 385
- 3) Section Number: Proposed Action:
- | | |
|-----------------|-----------------|
| 385.10 | Amend |
| 385.20 | Amend |
| 385.30 | New |
| 385.40 | New |
| 385.50 | Renumber, Amend |
| 385.60 | Renumber, Amend |
| 385.70 | Renumber, Amend |
| 385.80 | New |
| 385.90 | Renumber, Amend |
| 385.100 | Renumber |
| 385. Appendix A | New |

- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1]
- 5) A Complete Description of the Subjects and Issues Involved: The Child Care Act of 1969 was amended in 1985 to require criminal background checks of all currently licensed child care facilities, all applicants for licensure as a child care facility, and all employees and prospective employees of a child care facility. This law was implemented only for foster family homes and relative family homes because sufficient appropriations were not allocated to complete fingerprint analysis for all licensees, license applicants, and the employees of child care facilities. These amendments will implement the requirements for criminal background checks.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Phone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings have been scheduled. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: Licensed child care facilities
- C) Reporting, bookkeeping, or other procedures required for compliance: In accordance with these proposed amendments, licensed child care facilities are required to assure that all owners, operators, employees or prospective employees of the facility, and volunteers who replace or supplement staff who do not have a criminal history or a history of child abuse and neglect that would render them unfit for employment in their position. This requires that fingerprints of the employees or prospective employees be taken, forwarded to the Department of State Police for a reading, and the results used in decision making about the hiring/retention of the candidate/employee. The rule also requires that the private agency allow candidates/employees who are denied employment or dismissed from employment the opportunity for due process and a fair hearing.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- D) Types of professional skills required for compliance: The small business must be able to obtain suitable fingerprints from prospective employees, forward them to the Department of State Police, analyze the results, and make appropriate decisions about the retention/employment of the individual. The small business must also be familiar with the concepts of due process and a fair hearing so that persons denied employment based upon the results of their criminal history check have a fair opportunity to present their case.

The full text of the proposed amendments begin on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 385
BACKGROUND CHECKS

Section	Purpose
385.10	Definitions
385.20	Applicability and Effective Date of This Part
385.30	Criminal Convictions and Pending Criminal Charges
385.40	Child Abuse or Child Neglect
385.40 50	Background Investigation
385.40 60	Disposition of Background Investigation
385.50 70	Right to Appeal
385.80	Records To Be Maintained
385.60 90	Severability of This Part
385.70 100	Criminal Convictions Preventing Licensure or Employment
APPENDIX A	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; amended at 18 Ill. Reg. _____, effective _____.

Section 385.10 Purpose

The purpose of this Part is to ensure the safety and well-being of children cared for in any facility licensed by the Department of Children and Family Services by requiring that the owners and operators of child care facilities and their employees, assistants, and substitutes be screened for a history of possible child abuse or child neglect, prior criminal activities or pending criminal charges. Such screening is a condition of licensure or employment in child care facilities as such facilities are defined by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2212.05 et seq.) [225 ILCS 10/2.05] and in relative family homes. ~~and~~ ~~the~~ This Part shall be construed in conjunction with the licensing or approval standards for the type of facility for which license or employment is sought.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 385.20 Definitions

"Child" means any person under 18 years of age.

"Child care facility" means any person, group of persons, agency, association or organization which arranges for care or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Child Care Act of 1969. Child care facilities may be established for profit or not-for-profit. A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency. "Child care facility" is further defined in Section 2.05 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1]. As used in this Part, "child care facility" means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, or day care home, group day care home, or youth emergency shelter as defined by the Child Care Act of 1969.

"Conviction" means any judgement resulting from jury trials, bench (court) trials or voluntary guilty pleas.

"Department" means the Illinois Department of Children and Family Services.

"Employee", as used in this Part, means any staff person employed by a child care facility, and includes any substitute, assistant, volunteer or work-study student used to replace or supplement staff. This definition includes administrative, professional and other support staff.

"Governing body," as used in this Part, means the board of directors of a corporation; otherwise, the term means the owner(s) or other person(s), agency, association or organization legally responsible for the operation of the child care facility.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211) [225 ILCS 10/1].

"License applicant" means the owner, operator or other person with direct responsibility for daily operation of the facility to be licensed.

"License in good standing" means the child care facility is in reasonable compliance with the licensing standards for that type of facility.

"License not in good standing" means:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the Department has restricted the activities of the owner, operator, or any employee of the child care facility, as defined in this Part, because of a prior licensing violation(s), because of a prior indicated child abuse/neglect report(s), or because there is a current ongoing investigation of child abuse and neglect; or

the child care facility is operating under a conditional license or a corrective action plan; or

the child care facility is operating because an appeal has been filed with regard to the Department's action to revoke or refuse to renew the license/permit.

"Licensing representative," for purposes of this Part, means Department staff authorized under the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211) [225 ILCS 10/1] to examine facilities for licensure.

"Minor traffic violation", as used in this Part, means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which resulted in a fine of \$ 100.00 or less without other penalty such as license suspension or revocation, probation, jail sentence or community service work.

"Multi-function agency," as used in this Part, means an agency, association, or other organization which operates a child care facility, child welfare agency, or day care agency among other services not subject to licensure under the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211) [225 ILCS 10/1]. A child care facility may consist of distinct unit(s), division(s), or department(s) of a multi-function agency."

"Operator" means the person responsible for the day-to-day management of the child facility. If the governing body is a partnership, association, or corporation, "operator" means the chief executive officer or other persons serving in like capacity.

"Prospective employee" means an individual (including any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of child(ren)) selected by the governing body or operator of a child care facility who has met the qualifications for his or her position with the exception of the background investigation required by this Part and a medical examination (if required by applicable licensing standards).

"Relative family home", as used in this Part, means the home of a related caregiver who is required to be approved under 89 Ill. Adm. Code 335, Relative

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Home Placement.

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 4985 1991, ch. 23, pars. 2251 et seq.) [325 ILCS 40/11].

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 385.30 Applicability and Effective Date of This Part

a) Child care facilities licensed in good standing as of the effective date of these amendments shall have 90 days to submit to the Department fingerprints and identifying information on all current owners, operators, and employees of the facility, as defined in Section 385.20. If there are reasons why the facility has difficulty obtaining fingerprints for all of its owners, operators, and employees within the 90 day time frame, the facility may ask the Department to allow up to two 30-day extensions to obtain the fingerprints as required by these amendments.

b) Child care facilities who have never been licensed as of the effective date of these amendments must submit fingerprints on all owners, operators, and employees of the facility, as defined in Section 385.20, before a license may be issued. If a child care facility is licensed, but the license is not in good standing, the fingerprints required by this Part must be submitted to the Department within 30 days.

c) Fingerprints of any new employees, as defined in Section 385.20, or volunteers used to replace or supplement staff must be received by the Department within 10 days of the person's employment.

d) If prior criminal convictions or pending criminal charges are identified for any persons currently licensed as the owner or operator of a child care facility, the Department will issue a decision regarding their continued license status within 60 days of receipt of the information. The facility must submit a protective plan to the licensing representative outlining how any children in care will be protected while the Department is evaluating the criminal information received. If a license is suspended or revoked because of criminal activity or indicated reports of child abuse or neglect, the licensee/licensing applicant has the appeal rights specified in Section 385.80.

e) If prior criminal convictions, pending criminal charges, or indicated reports of child abuse and neglect are identified for any persons currently employed in the child care facility on a probationary or a regular basis, the child care facility

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

shall determine whether to continue that person's employment. All such decisions shall be based upon the criteria specified in this Part.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 385.40 Criminal Convictions and Pending Criminal Charges

a) Persons with certain serious criminal convictions shall not receive a license from the Department of Children and Family Services or be employed in a licensed child care facility. This includes persons who have been:

- 1) declared a sexually dangerous person under Article 105 of the Code of Criminal Procedure of 1963; or
- 2) convicted of committing or attempting to commit any of the offenses specified in Appendix A of this Part as such offenses are defined by the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 1-1 et seq.) [720 ILCS 5/1-1] or under any earlier Illinois criminal law or code; or
- 3) convicted of committing or attempting to commit an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified in Appendix A.

b) Persons who have been convicted of committing or attempting to commit the offenses in (a) above may not:

- 1) receive a license from the Department to operate a child care facility; or
- 2) be employed by a child care facility licensed by the Department; or
- 3) be a member of the household of a foster family home or relative family home required to be licensed or approved by the Department.

c) Except as specified in Section 385.40 (a), an individual convicted of a crime will not automatically be prohibited from licensure or employment in a child care facility. Instead, the following shall be considered:

- 1) the nature of the crime for which the individual was convicted;
- 2) the circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
- 3) the period of time that has elapsed since the crime was committed and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the number of crimes for which the individual was convicted;

- 4) evidence of rehabilitation such as successful participation in therapy since conviction;
- 5) granting by the Governor of a full and unconditional pardon or overturn of the conviction upon appeal;
- 6) character references; and
- 7) the relationship of the crime to the capacity to care for child(ren) or to be in contact with child(ren) cared for in a child care facility.

d) An individual against whom criminal charges are pending shall not be automatically denied licensure or employment because of the pending criminal charges. Instead, the following shall be considered:

- 1) the seriousness and nature of the charges which are pending;
- 2) the circumstances surrounding the commission of the crime;
- 3) the relationship of the charges to the ability to care for child(ren) or to be in contact with child(ren) in a child care facility;
- 4) whether the individual has ever been convicted of or charged with crimes of a similar nature; and
- 5) character references and other information, especially child abuse/neglect related information, about the suitability of the individual to care for child(ren);

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 385.30 50 Child Abuse or Child Neglect

- a) No individual may receive a license from the Department or be employed by a child care facility licensed by the Department who has been determined to be a perpetrator of child abuse or neglect of the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations, of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, under Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1985-1991, ch. 23, par. 2053) and or who has been identified through circuit court (juvenile, criminal, civil) proceedings as having been a perpetrator of child abuse or neglect based on any one of the following:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural hematoma
- 4) Internal injuries
- 5) Wounds (gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration
- 9) Sexual molestation
- 10) Sexual exploitation
- 11) Failure to thrive
- 12) Malnutrition
- 13) Medical neglect of disabled infant

b) For purposes of this Section, identification through circuit court proceedings includes:

- 1) specific findings by a court that a child's abuse, neglect or dependency is the result of abuse or neglect inflicted by a parent, guardian, legal custodian or other person responsible for the child's welfare (as defined in Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3].
- 2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse or child neglect resulting from jury trials, bench (court) trials or voluntary guilty pleas.
- e) ~~Prior to denying an individual a license or employment pursuant to subsection (c) the Department shall notify the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above; and the Department or child care facility, as applicable, shall provide the individual an opportunity to demonstrate that he or she is not the individual identified in the court finding, criminal conviction or civil judgement.~~
- d) ~~An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witnesses on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding, criminal~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~conviction or civil judgement the Department has relied upon in making the identification. Evidence to be considered shall be limited to:~~

- 1) ~~Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or~~
- 2) ~~Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification, that the subject of the report provided to the Department is not the individual seeking licensure or employment.~~

e) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3] shall not automatically be denied a license from the Department or be denied employment in a child care facility licensed by the Department. Rather, the Department or the governing body, as applicable, shall provide the individual an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

- 1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;
- 2) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate likelihood of repetition;
- 3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
- 4) whether the abuse or neglect involved a single or multiple child victims;
- 5) the relationship of the incident of child abuse or neglect to the individual's current or prospective job responsibilities within the child care facility;
- 6) whether the individual has been convicted of a criminal offense which might have bearing on the individual's ability to function in a child care facility as licensee or employee;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 7) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
- 8) character references.

f) ~~An individual requesting an opportunity for review pursuant to subsection (e) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witness(es) on his or her behalf.~~

g) ~~In order for an individual to be considered fit for licensure or employment, the person(s) conducting the review must conclude that, when all the evidence presented pursuant to subsection (e) is considered, there is clear and convincing evidence that the individual is fit for licensure or employment. The decision of a governing body regarding employment is final, subject to review under the personnel policies of the governing body. A decision of the Department regarding licensure is final, subject to review by a court of competent jurisdiction.~~

h) ~~A written record shall be made of any review(s) conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making a denial determination of fitness for licensure or employment.~~

(Source: Section 385.50 renumbered from Section 385.30 and amended at 18 Ill. Reg. —, effective _____)

Section 385.40 60 Background Investigation

- a) Each owner or operator of a child care facility as a condition of licensure, each member of the household in a foster family or relative family home, who is 13 years of age or older (for a search of the Child Abuse and Neglect Tracking System) or who is 18 years of age or older (for a criminal history search), and each employee and prospective employee of a child care facility as a condition of employment, shall authorize the Department to conduct a background check consisting of the following:

- 1) a search of the Child Abuse and Neglect Tracking System (CANTS) maintained by the State Central Register to determine whether the person has been indicated as a perpetrator of child abuse or child neglect; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) a check of the criminal justice information systems including, but not limited to, those maintained by the Illinois Department of State Police (State Police) and the Federal Bureau of Investigation (FBI) to determine whether the person has been charged with a crime, and if so, the disposition of these charges.

b) The authorization required by this Section shall be on a form(s) prescribed by the Department and shall include:

1) identifying information consisting of name, address, Social Security number, date of birth, height, weight, hair and eye color, previous names and addresses;

2) fingerprints;

3) a declaration under penalty of perjury regarding any prior criminal convictions other than a minor traffic violation, as defined by this Part, and of any pending criminal charges; and

4) authorization for the Department to release the results of the investigation to the governing body or employer.

c) For purposes of this Part only, employees who have been separated from the child care facility six months or longer for reasons other than vacation, sabbatical leave, sick leave or maternity leave shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background investigation pursuant to this Section.

d) Employee(s) and prospective employee(s) of a multi-function agency otherwise exempt from the requirements of this Part, but whose duties require that they be on the premises of a child care facility, shall authorize the background investigation required by this Part.

e) An individual who has authorized the background investigation required by this Part may be employed by a child care facility on a provisional or probationary basis pending the outcome of the required background investigation. The form authorizing such an investigation shall be forwarded to the Department immediately by the governing body or operator of the child care facility employing the individual. The Department shall complete the investigation required by this Part within ninety (90) days of receipt of the authorization.

(Source: Section 385.60 renumbered from Section 385.40 and amended at 18 Ill. Reg. ___, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section ~~385.50~~ 70 Disposition of Background Investigation

a) The Department shall notify the governing body or operator of the child care facility, in writing, of the results of the background investigation in accordance with this Section. When the subject of the background investigation is the director, administrator or other chief executive officer of the facility, the Department shall notify the presiding officer of the governing body of the results of the investigation, and the presiding officer shall take those actions required by this Part.

b) Prior to notifying the governing body or operator of a child care facility that an employee or prospective employee is the perpetrator of an indicated incident of child abuse or neglect or has prior criminal convictions or against whom criminal charges are currently pending, the Department shall attempt (e.g. by telephone or in-person contact with the employee or prospective employee) to verify whether the perpetrator of the indicated incident or criminal activities and the employee or prospective employee ~~are~~ the same person.

c) When the background investigation discloses that an employee or prospective employee of a child care facility was the indicated perpetrator of child abuse or neglect or has prior criminal convictions or against whom criminal charges are currently pending, the Department shall provide the governing body or operator of the facility an abstract of the information contained in the State Central Register or an abstract of the record of criminal history or the pending charges and a copy of court records available to the Department, if applicable. It shall be the responsibility of the governing body or operator of the facility to provide the individual an opportunity for a review in accordance with Section 385.40 ~~80~~, and notify the Department of its employment decision within thirty (30) days of receipt of the information from the Department.

d) When the individual indicated as a perpetrator of child abuse or neglect is the applicant for a child care license or an adult member of the household of such applicant, the Department shall conduct a review in accordance with Section 385.30, and shall notify the applicant(s) whether the individual is eligible for a license, on the basis of the background check, within thirty (30) days of its determination that the applicant or an adult member of the household or older is an indicated perpetrator of child abuse or neglect. The Department shall review the records of prior history of child abuse/neglect or prior criminal activity for all license applicants and members of their household, as required by this Part. The Department shall make a determination regarding suitability for licensure based upon the criteria in Sections 385.40, 385.50, and Appendix A of this Part.

e) A person denied licensure or employment or a person relieved of child-related

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

duties pursuant to this Section shall be eligible for licensure, employment, or resumption of child-related duties, provided:

- 1) a Departmental investigation or court trial concludes with a finding that the person is not the perpetrator of child abuse or neglect or did not commit the crimes listed in the criminal history report; or
- 2) a finding indicating child abuse or neglect is expunged or removed as a result of an administrative or judicial review; or
- 3) a prior conviction of a crime is overturned upon appeal; or
- 4) pending charges have been dropped; and
- 5) the Department or the governing body, as applicable, has reviewed the incident of abuse or neglect in accordance with Section 385.30 or the criminal history and approved licensure or employment in accordance with the requirements of this Part.

(Source: Section 385.70 renumbered from Section 385.50 and amended at 18 Ill. Reg. —, effective _____)

Section 385.80 Right to Appeal

- a) Prior to denying an individual a license or employment pursuant to subsection 385.50 (a) or Appendix A of this Part, the Department shall notify the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection 385.50 (a) or convicted of a crime in Appendix A of this Part, and the Department or child care facility, as applicable, shall provide the individual an opportunity to demonstrate that he or she is not the individual identified in the court finding, criminal conviction or civil judgment.

- b) An individual requesting an opportunity for review pursuant to subsection (a) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witnesses on his or her own behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding, criminal conviction or civil judgment the Department has relied upon in making the identification. Evidence to be considered shall be limited to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or
- 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification, that the subject of the report provided to the Department is not the individual seeking licensure or employment.
- c) An individual requesting an opportunity for review pursuant to this Section shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny or terminate employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witnesses on his or her behalf.

- d) In order for an individual to be considered fit for licensure or employment, the person(s) conducting the review must conclude that, when all the evidence presented pursuant to subsection (e) is considered, that there is clear and convincing evidence that the individual is fit for licensure or employment. The decision of a governing body regarding employment is final, subject to review under the personnel policies of the governing body. A decision of the Department regarding licensure is final, subject to review by a court of competent jurisdiction.

- e) A written record shall be made of any review(s) conducted pursuant to this Section, and such record shall contain copies of all documents relied upon in making a denial determination of fitness for licensure or employment.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 385.60 90 Records To Be Maintained

- a) The governing body or operator of a child care facility shall maintain a copy of the authorization for background investigation required by Sections 385.40 and 385.50 as part of the personnel records of the facility for a period of five years from the date of the authorization of termination of the employee, whichever is later.
- b) The results of the Department's background investigation and the record of any conclusions or recommendations resulting from the review of the findings of that investigation by the governing body or operator of the child care facility

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

shall be maintained for five ~~5~~ years in a file separate from other personnel records. Access to such records shall be limited to the following:

- 1) the subject of an individual record;
- 2) the governing body or operator of the child care facility;
- 3) Department licensing representatives;
- 4) Department staff authorized, in writing, by the Director to conduct background investigations pursuant to this Part;
- 5) persons who are authorized, in writing, by the governing body or operator of the child care facility and whose duties are related to the background investigation or its findings; and
- 6) Department representatives who have the Director of the Department's written authorization which specifies the statutory authority or administrative rule(s) under which the access is granted.

(Source: Section 385.90 renumbered from 385.60 and amended at 18 Ill. Reg. _____, effective _____)

Section 385.70 100 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Section 385.100 renumbered from 385.70 at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

APPENDIX A

CRIMINAL CONVICTIONS PREVENTING LICENSURE OR EMPLOYMENT

In accordance with Section 385.40, Criminal Convictions, persons with certain serious criminal offenses shall not:

- 1) receive a license to operate a child care facility,
- 2) be employed by a licensed child care facility, or
- 3) be a member of the household of a foster family home or relative family home which is required to be licensed or approved by the Department.

Those serious criminal offenses include the following under the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 1-1 et seq.) [720 ILCS 5/1-1] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below.

Murder
Kidnapping
Aggravated Kidnapping
Child Abduction
Aggravated Battery of a Child
Criminal Sexual Assault
Aggravated Criminal Sexual Assault
Criminal Sexual Abuse
Aggravated Criminal Sexual Abuse
Child Pornography
Exploitation of a Child
Obscenity
Harmful Material
Tie-in Sales of Obscene Publications to Distributors
Indecent Solicitation of a Child
Public Indecency
Sexual Relations Within Families
Prostitution
Soliciting for a Prostitute
Soliciting for a Juvenile Prostitute
Pandering
Keeping a Place of Prostitution
Pimping
Juvenile Pimping

(Source: Added at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) Section Numbers: Proposed Action:
402.2 Amendment
402.7 Amendment
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969, as amended (Ill. Reg. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1]
- 5) A Complete Description of the Subjects and Issues Involved: When prospective foster parents apply for licensure as a foster family home, the Department of Children and Family Services obtains the fingerprints of adult members of the household for purposes of completing a criminal history background check.

After the Department or a licensed child welfare agency has obtained classifiable fingerprints for adult members of the foster home, it takes six to eight weeks to receive the results of the criminal history check. This delay in receipt of the criminal history results has resulted in a backlog of foster applicants and a shortage of foster home placements. A substantial percentage of foster home applicants become discouraged and give up the process altogether. Many other families who want to provide foster care remain waiting while children are housed in emergency shelters which do not provide the nurturance and stability of a family home, siblings are placed apart, or children are placed with foster parents outside of their home community.

These amendments would allow the Department of Children and Family Services to issue a temporary permit to allow a foster home to accept children for care while the criminal history background check is being conducted. This permit would be issued only if the foster family home otherwise is in compliance with the licensing standards of this Part and classifiable fingerprints have been obtained for all adult members of the household and forwarded to the State Police for processing. Foster parent applicants would acknowledge that the permit is temporary and may be cancelled if they have provided false information during the application process or the results of the criminal background check are not satisfactory.

Issuance of the temporary permit will speed up placement of children substantially and will encourage foster home applicants by reducing the license application period to a more reasonable time period in accordance with the requirements of the B.H. Consent Decree.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3]
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Phone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings have been scheduled. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: Child welfare agencies
- C) Reporting, bookkeeping, or other procedures required for compliance: Private child welfare agencies who recommend that permits be issued to foster family home applicants will need to review the criminal background check results and make a decision in a timely manner regarding issuance of a full license.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- D) Types of professional skills required for compliance: The child welfare agency must be able to analyze the results of criminal background checks and make appropriate decisions regarding the issuance of a foster home license.

The full text of the proposed amendment is identical to the text of the emergency appearing on page 8481 of this issue of the Illinois Register.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers: Proposed Action:
Appendix B Amendment
- 4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2051 et seq.) [325 ILCS 5/1] and Section 3 of the Consent by Minors to Medical Procedures Act (Ill. Rev. Stat. 1991, ch. 111, par. 4503) [410 ILCS 210/3].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 88-167 made changes to the definition of "sexual penetration" in the Criminal Code of 1961 and Public Act 88-479 made changes to the Juvenile Court Act of 1987 and the Criminal Code of 1961 with regard to what constitutes child abandonment. These changes in the law are reflected by changes in the allegations of child abuse and neglect used by Department investigators.
- 6) Will these proposed Amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: Yes ☒ No
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3]
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Phone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period.

- 12) Initial Regulatory Flexibility Analysis: These proposed amendments are not expected to have any effect on small businesses or small municipalities.

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2051 et seq.) [325 ILCS 5/1] and Section 3 of Consent by Minors to Medical Procedures Act (Ill. Rev. Stat. 1991, ch. 111, par. 4503) [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendments at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendments at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendments at 17 Ill. Reg. 15698, effective September 10, 1993 for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

Section 300. APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under thirty. All neglect allegations of harm are coded with a two digit number greater than fifty. In addition each allegation is coded with a priority number, either I, II or III. This priority number ranges from the most serious, Level I, to the least serious, Level III. The allegations of harm, with their assigned priority number in parenthesis, are defined as follows:

Allegation #	Definition
1/51	Death (Priority I) Permanent cessation of all vital functions. The following definitions of death are also commonly used: <ul style="list-style-type: none">o Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system.o The final and irreversible cessation of perceptible heart

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

beat and respiration.

Verification of death must come from a physician or coroner.

2/52
Brain Damage/Skull Fracture (Priority I)

Brain damage means injury to the large, soft mass of nerve tissue contained within the cranium skull. Skull fracture means a broken bone in the skull.

Verification of brain damage or skull fracture must come from a physician, preferably a neurosurgeon or radiologist.

3/53

Subdural Hematoma (Priority I)

Hematoma

A swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.

Subdural

Beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in loss of consciousness, seizures, mental or physical damage, or death.

Verification of subdural hematoma must come from a physician.

Internal Injuries (Priority I)

An internal injury is an injury which is not visible from the outside, e.g. an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse.

4/54

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Verification of internal injuries must come from a physician.

5/55 Burns/Scalding (Priority II)**Burns**

Tissue injury resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as:

- First Degree

Superficial burns, damage being limited to the outer layer of skin. Scorching or painful redness of the skin.

- Second Degree

The damage extends through the outer layer of the skin into the inner layers. Blistering will be present within 24 hours.

- Third Degree

Burns in which the skin is destroyed with damage extending into underlying tissues, which may be charred or coagulated.

Scalding

A burn to the skin or flesh caused by moist heat and hot vapors, as steam. All emersion burns (scalds) must be confirmed by a physician unless the alleged perpetrator has admitted to scalding the child.

6/56 Poison/Noxious Substances (Priority II)**Poison**

Any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. (Virtually any substance can be poisonous if consumed in sufficient quantity; therefore, the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

term poison more often implies an excessive amount rather than a specific group of substances.)

Noxious

Harmful, injurious, not wholesome. Verification must come from a physician or by a direct admission from the alleged perpetrator.

7/57 Wounds (Priority I)

A gunshot or stabbing injury.

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

8 No allegation**9/59 Bone Fractures (Priority II)**

A fracture is a broken bone. There are ten types of fractures, the most common being:

Chip Fracture

A small piece of bone is flaked from the major part of the bone.

Simple Fracture

The bone is broken, but there is no external wound.

Complicated Fractures/Compound

The bone is broken, and there is an external wound leading down to the site of fracture or fragments of bone protrude through the skin.

Comminuted

The bone is broken or splintered into pieces.

Spiral

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Twisting causes the line of the fracture to encircle the bone in the form of a spiral.

Verification must come from a physician or radiologist.

10 No allegation

11/61 Cuts, Bruises and Welts (Priority II)

Cut

An opening, incision or break in the skin made by some external agent.

Bruise

An injury which results in bleeding within the skin, where the skin is discolored but not broken.

Welt

An elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

Factors to be Considered

Not every cut, bruise, or welt constitutes an allegation of harm. The following factors should be considered when determining whether an injury which resulted in cuts, bruises or welts constitute an allegation of harm:

- the child's age (children aged 6 and under are at a much greater risk of harm);
- child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to protect himself or herself;
- pattern or chronicity of similar incidents;
- severity of the cuts, bruises, or welts (size, number, depth, extent of discoloration);

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- location of the cuts, bruises, or welts; and
- whether an instrument was used on the child, previous history of indicated abuse or neglect.

12/62

Human Bites (Priority II)

A bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.

13/63

Sprains/Dislocations (Priority II)

Sprain

Trauma to a joint which causes pain and disability depending upon the degree of injury to ligaments. In a severe sprain, ligaments may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.

Dislocation

The displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types include:

Complicated

A dislocation associated with other major injuries.

Compound

Dislocation in which the joint is exposed to the external air.

Closed

A simple dislocation.

Complete

A dislocation which completely separates the surfaces of a joint.

Verification must come from a physician, registered nurse,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

licensed practical nurse or by a direct admission from the alleged perpetrator.

Tying/Close Confinement (Priority II)

Unreasonable restriction of a child's mobility, actions or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain in a closely confined area which restricts physical movement.

Examples include, but are not limited to:

- locking a child in a closet;
- tying one or more limbs to a bed, chair, or other object except as authorized by a licensed physician; and
- tying a child's hands behind his back.

Substance Misuse (Priority II)

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine), sedatives (including alcohol and Valium), narcotics, or inhalants. Fetal alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect. Also included is any amount of a controlled substance or a metabolite thereof, found in the blood ~~or~~ urine or meconium of a newborn infant. A controlled substance is defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1989~~91~~, ch. 56 1/2, par. 1102) [720 ILCS 570/102]. The presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant. NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples of substance misuse include, but are not limited to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- giving a minor (unless prescribed by a physician) any amount of heroin, giving a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances, giving any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler;
- encouraging, insisting or permitting a child who has not reached puberty to consume alcohol, drugs, or another mood altering substance on a regular or frequent basis;
- encouraging, insisting or permitting an adolescent to consume alcohol, drugs, or another mood altering substance on a daily basis; and
- encouraging, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Factors to be Considered

The following factors should be considered when determining whether a child is involved in substance misuse:

- age of the child;
- frequency of substance misuse;
- amount of substance consumption;
- whether the substance is illegal;
- degree of behavioral dysfunction, or physical impairment linked to substance misuse;
- the child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions;
- whether the parent or caretaker's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

circumstances; and

- whether the parent or caretaker knew or should have known of the child's substance misuse.

16

Torture (Priority I)

Deliberately and/or systematically inflicting unusual or cruel treatment which results in physical or mental suffering.

17/67

Mental Injury (Priority II)

Injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, registered psychologist, certified social worker, registered nurse or professional employee of a community mental health agency.

18

Sexually Transmitted Diseases (Priority I)

A disease which was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted. The diseases may include, but are not limited to:

Gonorrhea
Nonspecific Urethritis
Syphilis
Chancroid
Genital Candidiasis
Lymphogranuloma Venereum
Granuloma Inguinale
Genital Herpes
Genital Warts
Balanoposthitis
Proctitis
Neisseria Gonorrhea
Chlamydia Trachomatis
Treponema Pallidum
Haemophilus Ducreyi
Calymmatobacterium Granulomatis

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Trichomonas Vaginalis (Symptomatic)
AIDS

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person ~~by an object, and~~ the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration." Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child . . . for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

19

Sexual Penetration (Priority I)

Any contact, however slight, between the sex organ or anus of one person ~~by an object, and~~ the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

20

Sexual Exploitation (Priority I)

Sexual use of a child for sexual arousal, gratification, advantage, or profit. This includes but is not limited to:

- indecent solicitation of a child/explicit verbal enticement;
- child pornography;
- exposing sexual organs to a child for the purpose of sexual arousal or gratification;
- forcing the child to watch sexual acts; or
- self-masturbation in the child's presence.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

21 Sexual Molestation (Priority I)

Sexual conduct with a child when such contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Examples include, but are not limited to:

- fondling;
- the alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity; or
- encouraging, forcing, or permitting the child to inappropriately touch parts of the alleged perpetrator's body generally associated with sexual activity.

22 Substantial Risk of Physical Injury (Priority II)

Substantial risk of physical injury means that the parent, caretaker, immediate family member aged 16 or over, other person residing in the home aged 16 or over, or the parent's paramour has created a real and significant danger of physical injury or sexual abuse to the child. This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is in substantial risk of physical injury or sexual abuse. This allegation of harm also includes incidents of violence or intimidation directed toward the child which have not yet resulted in injury or impairment but which clearly threaten such injury or impairment.

Examples of incidents or circumstances which place the child in substantial risk of physical injury include, but are not limited to, the following:

Incidents

- choking the child;
- smothering the child;
- pulling the child's hair out;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- violently pushing or shoving the child into fixed or heavy objects;
- throwing or shaking a smaller child; and
- other violent or intimidating acts directed toward the child which cause excessive pain or fear.

Circumstances

- domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence, or uncontrolled behavior;
- a perpetrator of child abuse who has been ordered to remain out of the home returns home and has access to the abused child;
- the non-accidental death of one child provides reason to believe that another child is at risk; and
- past sexual abuse, when confirmed by the victim, provides reason to believe that another child is at risk.

Factors to be Considered

Whether there is a real and significant danger is determined by the following factors:

- the child's age (children aged 6 and under are at a much greater risk of harm),
- the child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly related to his or her ability to protect himself or herself;
- the severity of the occurrence;
- the frequency of the occurrence;
- the alleged perpetrator's physical, mental and/or emotional abilities, particularly related to his or her ability to control his or her actions;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- the dynamics of the relationship between the alleged perpetrator and the child;
- the alleged perpetrator's access to the child;
- the previous history of indicated abuse or neglect;
- the current stresses/crisis in the home; and
- the presence of other supporting persons in the home.

Inadequate Supervision (Priority II)

The child has been placed in a situation or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. Examples include, but are not limited to:

- leaving children alone when they are too young to care for themselves;
- leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental, or emotional problems, developmental disabilities or physical handicaps;
- leaving children in the care of an inadequate or inappropriate caretaker;
- being present but unable to supervise because of the caretaker's condition (This includes (1) the parent or caretaker who repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caretaker who cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, developmental disability or physical handicap.); and
- leaving children unattended in a place which is unsafe for them when their maturity, physical condition, and mental abilities are considered.

Factors to be Considered

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

The following factors should be considered when determining whether a child is inadequately supervised:

1) Child Factors

- child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency; and
- child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?
- child's mental abilities, particularly as related to the ability to comprehend the situation.
- was the child's movement restricted, or was the child otherwise locked within a room or other structure.

2) Caretaker Factors

- presence or accessibility of caretaker
 - o How long does it take the caretaker to reach the child?
 - o Can the caretaker see and hear the Child?
 - o Is the caretaker accessible by telephone?
- Has the child been given phone numbers to call in the event of an emergency?
 - caretaker's age
 - o Is the caretaker mature enough to assume responsibility for the situation?
 - caretaker's physical and mental condition
 - o Is the caretaker able to make appropriate judgments on the child's behalf?

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

3) Incident Factors

- frequency of occurrence
- duration of the occurrence (as related to the "child factors" above)
- time of the day or night when the incident occurs
- child's location (the condition and location of the place where the minor was left without supervision).
- the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light
- other supporting persons who are overseeing the child (Was the child given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call?)
- Was there food and other provisions left for the child?
- Other factors that may endanger the health and safety of the child.

75 Abandonment/Desertion (Priority II)

Abandonment

Abandonment is parental or caretaker conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental or caretaker conduct which evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.

Desertion

Desertion is any conduct on the part of a parent or caretaker which indicates an intention to terminate custody of the child but not to relinquish all duties and claims on the child.

Examples of abandonment/desertion include, but are not limited to, parents or caretakers who:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- leave a baby on a doorstep;
- leave a baby in a garbage can;
- leave a child with no apparent intention to return; or
- leave a child with an appropriate caretaker but fail to resume care of the child, as agreed, for a period of three months or more, and the caretaker cannot or will not continue to care for the child.

76

Inadequate Food (Priority III)

Lack of food adequate to sustain normal functioning. It is not as severe as Malnutrition or Failure to Thrive, both of which require a medical diagnosis.

Examples include:

- the child who frequently and repeatedly misses meals or who is frequently and repeatedly fed insufficient amounts of food,
- the child who frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed; and
- the child who is frequently and repeatedly fed unwholesome foods when his age, developmental stage, and physical condition are considered.

Factors to be Considered

1) Child Factors

- child's age;
- child's developmental stage;
- child's physical condition, particularly related to the need for a special diet; and
- child's mental abilities, particularly related to his ability to obtain and prepare his own food.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) Incident Factors

- frequency of the occurrence;
- duration of the occurrence;
- pattern or chronicity of occurrence;
- previous history of occurrences; and
- availability of adequate food.

Inadequate Shelter (Priority III)

Lack of shelter which is safe and which protects the child(ren) from the elements. Examples of inadequate shelter include, but are not limited to:

- no housing or shelter;
- condemned housing;
- exposed, frayed wiring;
- housing with structural defects which endanger the health or safety of a child;
- housing with indoor temperatures consistently below 50 F;
- housing with broken windows in sub-zero weather;
- housing which is a fire hazard obvious to the reasonable person; and
- housing with an unsafe heat source which poses a fire hazard or threat of asphyxiation.

Factors to be Considered**1) Child Factors**

- child's age;
- child's developmental stage;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- child's physical condition, particularly;
- when it may be aggravated by the inadequate shelter; and
- child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

2) Shelter Factors

- seriousness of the problem;
- frequency of the problem;
- duration of the problem;
- pattern or chronicity of the problem; and
- previous history of shelter-related problems.

78**Inadequate Clothing (Priority III)**

Lack of appropriate clothing to protect the child from the elements.

Factors to be Considered**1) Child Factors**

- child's age;
- child's developmental stage;
- child's physical condition, particularly related to conditions which may be aggravated by exposure to the elements; and
- child's mental abilities, particularly related to his or her ability to obtain appropriate clothing.

2) Incident Factors

- frequency of the incident;
- duration of the incident;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- chronicity or pattern of similar incidents; and
- weather conditions such as extreme heat or extreme cold;

79

Medical Neglect (Priority II)**A. MEDICAL OR DENTAL TREATMENT**

Lack of medical or dental treatment for a health problem or condition which, if untreated, could become severe enough to constitute a serious or long-term harm to the child; lack of follow-through on a prescribed treatment plan for a condition which could become serious enough to constitute serious or long-term harm to the child if the plan goes unimplemented.

B. IMMUNIZATIONS

Lack of immunizations required by ~~An Act in relation to the prevention of certain communicable diseases~~ Communicable Disease Prevention Act (Ill. Rev. Stat. 1985 1991, ch. 111 1/2, pars. 22.11 and 22.12) [410 ILCS 315/0.01] which states:

It is declared to be the public policy of this State that all children shall be protected, as soon after birth as medically indicated, by the appropriate vaccines and immunizing procedures to prevent communicable diseases which are or which may in the future become preventable by immunization.

The Department of Public Health has specified that the following immunizations are required unless there is a medical or religious reason why these immunizations should not be administered. The judgment of the family's physician with regard to whether there is a medical reason why immunization should not be administered shall be respected.

- Diphtheria
- Pertussis
- Tetanus
- Poliomyelitis
- Measles
- Rubella
- Mumps

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

The investigative worker shall give the parents 30 days to begin the required immunization series.

Factors to be Considered

- child's age, particularly as it relates to the ability to obtain treatment;
- child's developmental stage;
- child's physical condition;
- seriousness of the current health problem;
- probable outcome if the current health problem is not treated and the seriousness of that outcome;
- generally accepted medical benefits of the prescribed treatment; and
- generally recognized side effects/harms associated with the prescribed treatment;

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented, or that the child has not started to receive immunizations required by State law within the 30-day period. Such verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

80

No Allegation

81

Failure to Thrive (Priority I) (Non-Organic)

A serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In about 10% of these cases, there is an organic cause such as a serious kidney, heart, or intestinal disease, a genetic error of metabolism or brain damage. All other cases are a result of a disturbed parent-child relationship manifested in severe physical and emotional neglect of the child.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Non-organic failure to thrive requires a medical diagnosis before it may be indicated. Verification of failure to thrive must come from a physician.

82

Environmental Neglect (Priority III)

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage which the child can reach.

Factors to be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

1) Child Factors

- child's age (children aged 6 and under are more likely to be harmed);
- child's developmental stage;
- child's physical condition; and
- child's mental abilities;

2) Incident Factors

- severity of the conditions; and
- frequency of the conditions,
- duration of the conditions;
- chronicity or pattern of similar conditions.

Malnutrition (Priority I) (Non Organic)

Lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

minerals. (Also known as marasmus or kwashiorkor.) Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

- a decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones;
- the hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously;
- the child is often pale and suffers from anemia;
- excessive perspiration, especially about the head;
- the face appear lined and aged, often with a pinched and sharp appearance;
- the skin has an old, wrinkled look with poor turgor. (Classically, skin folds hang loose on the inner thigh and buttock.);
- the abdomen is often protuberant;
- there are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity; and
- Verification of malnutrition must come from a physician.

Lock-Out (Priority II)

The parent or caretaker has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

84

Medical Neglect of Disabled Infants (Priority I)

85

The withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition.

Medically indicated treatment includes medical care which is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

information has been gathered to make informed medical decisions. Nutrition, hydration, and medication, as appropriate for the infant's needs, is medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

- o the infant is chronically and irreversibly comatose;
- o the provision of the treatment would be futile and would merely prolong dying; or
- o the provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors to be Considered

- infant's physical condition;
- seriousness of the current health problem;
- probable medical outcome if the current health problem is not treated and the seriousness of that outcome;
- generally accepted medical benefits of the prescribed treatment;
- generally recognized side effects/harms associated with the prescribed treatment;
- the opinions of the Infant Care Review Committee (ICRC), (if the hospital has an ICRC);
- the judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect; and
- parent's knowledge and understanding of the treatment and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and other Regulated Substances
- 2) Code Section: 41 Ill. Adm. Code 170
- 3) Section Number: Proposed Action
170.210 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act (Ill. Rev. Stat. 1991, Ch. 127 1/2 Par. 154) [430 ILCS 15/2].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment will allow tank trucks meeting existing requirements to fuel other vehicles at sites not open to the public.
- 6) Will the proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other amendments pending on this part? No.
- 10) Statement of Statewide Policy Objective (if applicable): Not applicable.
- 11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking:

The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

Jack Ahern, Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259

- 12) Initial Regulatory Flexibility Analysis:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- A) Date the rule submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 20, 1994
- B) Types of Small Businesses and Municipalities Affected: Businesses and local governments with several vehicles to fuel, or those with vehicles at remote sites where sending a tank truck would be more efficient. This rule does not mandate tank fueling, but makes such fueling permissive.
- C) Reporting, bookkeeping or other procedure required for compliance: None
- D) Types of Professional Skills necessary for Compliance: None.

The full text of the Amendments begins on the next page.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170
STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks
170.41	Location
170.50	Material and Construction of Tanks
170.60	Venting of Tanks
170.65	Underground Tank Installations
170.70	Fill Pipes
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee
170.72	Late Registration Fee
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks
170.80	Unloading Operations
170.90	Pumps
170.91	Labeling of Containers and Pumps
170.100	Piping
170.105	Approval of Plans
170.106	Installer, Repairer or Remover of Underground Storage Tanks
170.107	Tester of Underground Storage Tanks and Cathodic Protection
170.108	Pressure Testing
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building --Exception
170.130	Greasing Pits

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

170.140	Wash and Greasing Rooms
170.145	Fire Extinguishers
170.150	Self-Service - No Self-Service Without Permit; Procedures and Regulations
170.160	Care and Attendance
170.170	Fire Extinguishers (Repealed)
170.180	Sale of Fireworks
170.190	Approval of Plans (Repealed)
170.200	Defective Equipment
170.210	Deliveries from Portable Tanks Restricted
170.310	Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

170.400	Definitions
170.410	Incorporations by Reference
170.420	Design, Construction, Installation and Notification of New UST Systems
170.430	Upgrading of Existing UST Systems
170.440	Notification Requirements
170.450	Spill and Overfill Control
170.460	Operation and Maintenance of Corrosion Protection
170.470	Compatibility
170.480	Repairs Allowed
170.490	Reporting and Recordkeeping
170.500	General Release Detection Requirements for All UST Systems
170.510	Release Detection Requirements for Petroleum UST Systems
170.520	Release Detection Requirements for Hazardous Substance UST Systems
170.530	Methods of Release Detection for Tanks
170.540	Methods of Release Detection for Piping
170.550	Release Detection Recordkeeping
170.560	Reporting of Suspected Releases
170.570	Investigation Due to Off-Site Impacts
170.580	Release Investigation and Confirmation Steps
170.590	Reporting and Cleanup of Spills and Overfills
170.600	Initial Response for UST Systems Containing Petroleum or Hazardous Substances
170.610	Initial Abatement Measures and Site Check
170.620	Temporary Closure of Out-of-Service UST Systems

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 170.630 Change-in-Service of UST Systems
 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems
 170.650 Applicability to Previously Removed UST Systems
 170.660 Removal or Change-in-Service Records
 170.670 Abandonment or Removal of Underground Storage Tanks

SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

- 170.700 Incorporation by Reference

SUBPART D: UNDERGROUND AND ABOVEGROUND STORAGE TANKS--ADMINISTRATIVE PROCEDURE RULES FOR ORDERS ISSUED BY THE DIVISION OF PETROLEUM AND CHEMICAL SAFETY

- 170.800 Definitions
 170.810 Grounds for Appeal
 170.820 Notice of Hearing
 170.830 Appearances
 170.840 Official Notice
 170.850 Authority of Hearing Officer
 170.860 Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST)
 170.870 Briefs
 170.880 Transcripts
 170.890 Order of the State Fire Marshal
 170.900 Authority to Suspend, Deny or Revoke Registration
 170.910 Suspension or Revocation of the Registration of a Contractor

TABLE A SCHEDULE FOR PHASE-IN OF RELEASE DETECTION
TABLE B MANUAL TANK GAUGING: WEEKLY AND MONTHLY STANDARDS

AUTHORITY: Implementing the Gasoline Storage Act (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 152.9 et seq.) [430 ILCS 15/0.01 et seq.] and authorized by Section 2 of the Gasoline Storage Act (Ill. Rev. Stat. 1989, ch. 127 1/2, par. 154) [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; amended at _____ Ill. Reg. _____, effective _____, 1994.

Section 170.210 Deliveries from Portable Tanks Restricted

- a) All flammable and combustible liquid motor vehicle fuels must be stored underground at service stations and other locations where fuels are dispensed or delivered into fuel tanks of motor vehicles, except as provided in this Section and Title 41 ADM CODE Part 180. Occasional delivery of less than 6 gallons of fuel for emergencies, (e.g., when a car or truck has run out of fuel) is allowed. Emergency deliveries of Class I, II, and III liquid motor vehicle fuel shall be from approved containers as defined in Section 170.150, (d)(7)(G) and (i).
- b) Dispensing or delivery of flammable or combustible motor vehicle fuels directly into the fuel tanks of vehicles from tank trucks, tank wagons, or other portable tanks is prohibited except for
- 1) agricultural use (farm use) as defined in Section 180.20, and
 - 2) construction sites for refueling construction equipment used only at the construction site (~~this exception does not apply to truck or passenger cars which have license plates attached and may be driven to service stations~~) and
 - 3) premises that are not normally accessible to the public for refueling vehicles with Class I, II or III liquids, if the following conditions are met:

ILLINOIS REGISTER

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

The tank vehicle being dispensed from complies with the requirements of Title 41 IL ADM CODE Part 160.420 through 160.460. and Part 160.490.

The tank vehicle shall not be unloaded by gravity methods.

All conditions as set forth in National Fire Protection Standard #30-A "Automotive and Marine Service Station Code" (1987 edition) Section 8-3.4 b-g, and

- 4) Emergency deliveries.

(SOURCE: Amended at ____ Ill. Reg. _____, effective _____)

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ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers: Proposed Action:
2510. Appendix D Amendment
2510. Appendix E Amendment
- 4) Statutory Authority: Section 2-3 of Article II and Section 4-2 of Article IV of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6502-3 and 6504-2)(20 ILCS 2215/4-1,2-3).
- 5) A Complete Description of the Subjects and Issues Involved: The amendments enable the Agency to identify those claims that are worker's compensation claims and/or are claims arising from nonoccupational accidental injury.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this part? No.
- 10) Statement of Statewide Policy Objectives: The proposed amendments allow the Agency to correctly identify worker's compensation claims and claims arising from nonoccupational accidental injuries. A large number of Illinois employers, insurers, consumers, as well as government and academic policymakers will receive additional information upon which to base legislation, regulation, purchasing, and other decisions.
- 11) Time, Place and Manner in Which Interested Persons May Comment on this:
Rulemaking: Comments may be submitted in writing to Britt Hagen, Deputy Executive Director, Illinois Health Care Cost Containment Council, 4500 South Sixth Street Road, Suite 215, Springfield, Illinois 62703-5118. Written comments should be submitted no later than July 5, 1994.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

12) Initial Regulatory Flexibility Analysis:

- A) Date Rule Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Type of Small Business affected: Hospitals
- C) Reporting, Bookkeeping or other procedures required for compliance: No additional required.
- D) Type of professional skills necessary for compliance: No additional required.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510
DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicare Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	Hospital Review
2510.90	ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL ANNUAL FINANCIAL DATA REPORT
APPENDIX A	UB-82 MAGNETIC MEDIA RECORD FORMAT
APPENDIX B	UB-82 UNIFORM BILL DATA FIELDS
APPENDIX C	UB-92 MAGNETIC MEDIA RECORD FORMAT
APPENDIX D	UB-92 UNIFORM BILL DATA FIELDS
APPENDIX E	

AUTHORITY:Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6504-1 to et seq. and par. 6502-3) [20 ILCS 2215/4-1, 2-3].

SOURCE:Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9896, effective June 10 1993; emergency amendment at 17 Ill. Reg.14112, effective August 10, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5300, effective March 21, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE:Capitalization denotes statutory language.

Section 2510 APPENDIX D UB-92 Magnetic Media Record Format

Beginning 1 October 1994 all hospitals may use the following format for submission to the Council.
Beginning 1 January 1995 all hospitals must use this format for submission to the Council.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Hospital Name	13	52	40	A	
3	Hospital Street Address	53	92	40	A	
4	Hospital City	93	112	20	A	
5	Hospital Zip Code	113	117	5	A	
6	Contact Person	118	157	40	A	
7	Telephone Number	158	167	10	A	(XXX)XXX-XXXX
8	Period Covered First Day	168	173	6	N	MMDDYY
9	Last Day	174	179	6	N	MMDDYY
10	Filler	180	800915 621736		A	Blank Fill

UB-92 Magnetic Media Record Format

Beginning 1 October 1994 all hospitals may use the following format for submission to the Council.
Beginning 1 January 1995 all hospitals must use this format for submission to the Council.

LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
1	Patient Date of Birth	14	1	8	8	N	MMDDCCYY
2	Patient Sex	15	9	9	1	A	
3a	Patient Zip Code	13	10	14	5	N	Unknown-00000 Foreign-99999
3b	ZIP PLUS 4	13	15	18	4	A	Blank Fill IF NO NUMBER
4a	1st Individual Payer ID Number	50a	19	27	9	A	Left justify, space fill right

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
4b	2nd Individual Payer ID Number	50b	28	36	9	A	Left justify, space fill right
4c	3rd Individual Payer ID Number	50c	37	45	9	A	Left justify, space fill right
5	Date of Admission	17	46	51	6	N	MMDDYY
6	Source of Admission	20	52	52	1	N	
7	Type of Admission	19	53	53	1	N	
8a	Type of Bill	4	54	56	3	N	
8b	Discharge Date	6	57	62	6	N	MMDDYY
9a	Principal Diagnosis	67	63	68	6	A	Left justify, space fill right no decimal
9b	1st Other Diagnosis	68	69	74	6	A	Left justify, space fill right no decimal
9c	2nd Other Diagnosis	69	75	80	6	A	Left justify, space fill right no decimal
9d	3rd Other Diagnosis	70	81	86	6	A	Left justify, space fill right no decimal
9e	4th Other Diagnosis	71	87	92	6	A	Left justify, space fill right no decimal
9f	5th Other Diagnosis	72	93	98	6	A	Left justify, space fill right no decimal
9g	6th Other Diagnosis	73	99	104	6	A	Left justify, space fill right no decimal
9h	7th Other Diagnosis	74	105	110	6	A	Left justify, space fill right no decimal

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
9i	8th Other Diagnosis	75	111	116 6	A	Left justify, space fill right no decimal
10a	Procedure Coding Method Used	79	117	117 1	N	
10b	Principal Procedure	80	118	124 7	A	ICD-9-CM = 99V99bbb
10c	Principal Procedure Date	80	125	130 6	N	MMDDYY
11	Patient Status	22	131	132 2	N	
12a	1st Other Procedure	81a	133	139 7	A	ICD-9-CM = 99V99bbb
12b	1st Other Procedure Date	81a	140	145 6	N	MMDDYY
12c	2nd Other Procedure	81b	146	152 7	A	ICD-9-CM = 99V99bbb
12d	2nd Other Procedure Date	81b	153	158 6	N	MMDDYY
12e	3rd Other Procedure	81c	159	165 7	A	ICD-9-CM = 99V99bbb
12f	3rd Other Procedure Date	81c	166	171 6	N	MMDDYY
12g	4th Other Procedure	81d	172	178 7	A	ICD-9-CM = 99V99bbb
12h	4th Other Procedure Date	81d	179	184 6	N	MMDDYY
12i	5th Other Procedure	81e	185	191 7	A	ICD-9-CM = 99V99bbb
12j	5th Other Procedure Date	81e	192	197 6	N	MMDDYY
13a	1st Revenue Code	42a	198	201 4	N	Right justify, zero fill left
13a	Units of Service	46a	202	208 7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13a	Charges	47a	209	218 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13b	2nd Revenue Code	42b	219	222 4	N	Right justify, zero fill left
13b	Units of Service	46b	223	229 7	N	Right justify, zero fill left
13b	Charges	47b	230	239 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13c	3rd Revenue Code	42c	240	243 4	N	Right justify, zero fill left
13c	Units of Service	46c	244	250 7	N	Right justify, zero fill left
13c	Charges	47c	251	260 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13d	4th Revenue Code	42d	261	264 4	N	Right justify, zero fill left
13d	Units of Service	46d	265	271 7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13d	Charges	47d	272	281 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13e	5th Revenue Code	42e	282	285 4	N	Right justify, zero fill left
13e	Units of Service	46e	286	292 7	N	Right justify, zero fill left
13e	Charges	47e	293	302 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13f	6th Revenue Code	42f	303	306 4	N	Right justify, zero fill left
13f	Units of Service	46f	307	313 7	N	Right justify, zero fill left
13f	Charges	47f	314	323 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13g	7th Revenue Code	42g	324	327 4	N	Right justify, zero fill left
13g	Units of Service	46g	328	334 7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13g	Charges	47g	335	344 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13h	8th Revenue Code	42h	345	348 4	N	Right justify, zero fill left
13h	Units of Service	46h	349	355 7	N	Right justify
13h	Charges	47h	356	365 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13i	9th Revenue Code	42i	366	369 4	N	Right justify, zero fill left
13i	Units of Service	46i	370	376 7	N	Right justify, zero fill left
13i	Charges	47i	377	386 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13j	10th Revenue Code	42j	387	390 4	N	Right justify, zero fill left
13j	Units of Service	46j	391	397 7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
13j	Charges	47j	398	407	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13k	11th Revenue Code	42k	408	411	4	N	Right justify, zero fill left
13k	Units of Service	46k	412	418	7	N	Right justify, zero fill left
13k	Charges	47k	419	428	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13l	12th Revenue Code	42l	429	432	4	N	Right justify, zero fill left
13lj	Units of Service	46lj	433	439	7	N	Right justify, zero fill left
13lj	Charges	47lj	440	449	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13m	13th Revenue Code	42m	450	453	4	N	Right justify, zero fill left
13m	Units of Service	46m	454	460	7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
	Charges	47m	461	470	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
	14th Revenue Code	42n	471	474	4	N	Right justify, zero fill left
	Units of Service	46n	475	481	7	N	Right justify, zero fill left
	Charges	47n	482	491	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
	15th Revenue Code	42o	492	495	4	N	Right justify, zero fill left
	Units of Service	46o	496	502	7	N	Right justify, zero fill left
	Charges	47o	503	512	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
	16th Revenue Code	42p	513	516	4	N	Right justify, zero fill left
	Units of Service	46p	517	523	7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13p	Charges	47p	524	533	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13q	17th Revenue Code	42q	534	537	4	N
						Right justify, zero fill left
13q	Units of Service	46q	538	544	7	N
						Right justify, zero fill left
13q	Charges	47q	545	554	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13r	18th Revenue Code	42r	555	558	4	N
						Right justify, zero fill left
13r	Units of Service	46r	559	565	7	N
						Right justify, zero fill left
13r	Charges	47r	566	575	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13s	19th Revenue Code	42s	576	579	4	N
						Right justify, zero fill left
13s	Units of Service	46s	580	586	7	N
						Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13s	Charges	47s	587	596	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13t	20th Revenue Code	42t	597	600	4	N
						Right justify, zero fill left
13t	Units of Service	46t	601	607	7	N
						Right justify, zero fill left
13t	Charges	47t	608	617	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13u	21st Revenue Code	42u	618	621	4	N
						Right justify, zero fill left
13u	Units of Service	46u	622	628	7	N
						Right justify, zero fill left
13u	Charges	47u	629	638	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13v	22nd Revenue Code	42v	639	642	4	N
						Right justify, zero fill left
13v	Units of Service	46v	643	649	7	N
						Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13v	Charges	47v	650	659	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13w	23rd Revenue Code	42w	660	663	4	N
13w	Units of Service	46w	664	670	7	N
13w	Charges	47w	671	680	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
14	Attending Physician ID Number	82	681	690	10	A
15	Hospital ID Number	5	691	702	12	A
16	Patient ID Number	3	703	722	20	A
17a	1st Insur Grp Number	62a	723	739	17	A
17b	2nd Insur Grp Number	62b	740	756	17	A
17c	3rd Insur Grp Number	62c	757	773	17	A
18a	Other Physician ID Number	83a	774	783	10	A
18b	Other Physician ID Number	83b	784	793	10	A
19a	1st Condition Code	24	794	795	2	A

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
19b	2nd Condition Code	25	796	797	2	A
19c	3rd Condition Code	26	798	799	2	A
19d	4th Condition Code	27	800	801	2	A
19e	5th Condition Code	28	802	803	2	A
19f	6th Condition Code	29	804	805	2	A
19g	7th Condition Code	30	806	807	2	A
20a	1st Occurrence Code	32a	808	809	2	A
20b	1st Occurrence Date	32a	810	815	6	N
20c	2nd Occurrence Code	32b	816	817	2	A
20d	2nd Occurrence Date	32b	818	823	6	N
20e	3rd Occurrence Code	33a	824	825	2	A
20f	3rd Occurrence Date	33a	826	831	6	N
20g	4th Occurrence Code	33b	832	833	2	A
20h	4th Occurrence Date	33b	834	839	6	N
20i	5th Occurrence Code	34a	840	841	2	A
20j	5th Occurrence Date	34a	842	847	6	N
20k	6th Occurrence Code	34b	848	849	2	A
20l	6th Occurrence Date	34b	850	855	6	N
20m	7th Occurrence Code	35a	856	857	2	A

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
<u>20n</u>	<u>7th Occurrence Date</u>	<u>35a</u>	<u>858</u>	<u>6</u>	<u>N</u>	<u>MMDDYY</u>
<u>20o</u>	<u>8th Occurrence Code</u>	<u>35b</u>	<u>864</u>	<u>2</u>	<u>A</u>	
<u>20p</u>	<u>8th Occurrence Date</u>	<u>35b</u>	<u>866</u>	<u>6</u>	<u>N</u>	<u>MMDDYY</u>
<u>21a</u>	<u>1st Occurrence Span Code</u>	<u>36a</u>	<u>872</u>	<u>2</u>	<u>A</u>	
<u>21b</u>	<u>1st Occurrence From Date</u>	<u>36a</u>	<u>874</u>	<u>6</u>	<u>N</u>	<u>MMDDYY</u>
<u>21c</u>	<u>1st Occurrence Through Date</u>	<u>36a</u>	<u>880</u>	<u>6</u>	<u>N</u>	<u>MMDDYY</u>
<u>21d</u>	<u>2nd Occurrence Span Code</u>	<u>36b</u>	<u>886</u>	<u>2</u>	<u>A</u>	
<u>21e</u>	<u>2nd Occurrence From Date</u>	<u>36b</u>	<u>888</u>	<u>6</u>	<u>N</u>	<u>MMDDYY</u>
<u>21f</u>	<u>2nd Occurrence From Date</u>	<u>36b</u>	<u>894</u>	<u>6</u>	<u>N</u>	<u>MMDDYY</u>
<u>22</u>	<u>External Cause of injury Code (E-code)</u>	<u>77</u>	<u>900</u>	<u>6</u>	<u>A</u>	<u>Left justify, space fill right no decimal</u>
	Filler		<u>794</u> <u>906</u> <u>800</u> <u>915</u>	<u>10</u>	<u>A</u>	<u>Blank Filler</u>

UB-92 Magnetic Media Record Format

Beginning 1 October 1994 all hospitals may use the following format for submission to the Council.
Beginning 1 January 1995 all hospitals must use this format for submission to the Council.

TRAILER RECORD FIELD DESCRIPTION

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	LENGTH TO	PICTURE	FORMAT
1	Hospital ID Number (Medicaid Provider Number)	1	12	A	

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
2	Number of Records (Logical Records contained in the file excluding the Header and Trailer Records)		13	17	5	N
3	Filler		18	<u>800</u> <u>915</u>	<u>783</u> <u>898</u>	A Blank filler

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2510.APPENDIX E UB-92 Uniform Bill Data Fields

DATA ELEMENT

Required Field(s) Requirements

1. Patient date of birth 14 As stated in UB-92 For Illinois manual.
2. Patient sex 15 As stated in UB-92 For Illinois manual.
3. Patient zip code 13 As stated in UB-92 For Illinois manual.
4. Third-party 50 Illinois Department of Insurance numbers are required for commercial insurers. The Blue Cross codes listed in the UB-92 manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request as provided in subsection (g) of Section 2510.50 and hospitals are required to use such numbers where applicable in field 50.
5. Date of admission 17 As stated in UB-92 For Illinois manual.
6. Source of admission 20 As stated in UB-92 For Illinois manual.
7. Type of admission 19 As stated in UB-92 For Illinois manual.
8. Type of bill 4 As stated in UB-92 For Illinois manual.
9. Discharge Date 6 As stated in UB-92 For Illinois manual.
10. Principal and up to eight other diagnoses 67-75 As stated in UB-92 For Illinois manual.
11. Principal procedure and date 80 As stated in UB-92 For Illinois manual.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

12. Patient status 22 As stated in UB-92 For Illinois manual.
13. Other procedures and dates 81a-e As stated in UB-92 For Illinois manual.
14. Total charges and components of those charges 42,46-47 The number of units is required where applicable. Code as stated in UB-92 For Illinois manual.
15. Attending physician ID number 82 Physician's state license number is the required ID number. If the attending physician does not have a valid license number, enter the Chief of Service's ID. UPIN's are allowed only on Medicare and Medicaid claims.
16. Hospital ID number 5 The Medicaid number is the required hospital ID number. Hospitals not participating in Medicaid will be assigned a number as provided in subsection (f) of Section 2510.50.
17. Patient Control 3 As stated in UB-92 For Illinois manual. This field may not contain the patient's social security number.
18. Insured's group 62a-c Required where applicable. As stated in UB-92 For Illinois manual.
19. Other physician ID 83a-b If applicable and if known the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID. UPIN's are allowed only on Medicare and Medicaid claims.
20. Condition Codes 24-30 Required where applicable. As stated in UB-92 for Illinois manual.
21. Occurrence Codes and Dates 32a-35b Required where applicable. As stated in UB-92 for Illinois manual.
22. Occurrence Span Codes and Dates 36a-b Required where applicable. As stated in UB-92 for Illinois manual.
23. External Cause of 77 Required where applicable as shown in the

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

Injury Code (E-code) UB-92 for Illinois Manual. Code may also be entered in elements 9b through 9i, if entering the code there does not prevent the entry of other diagnosis codes from the patient record.

(Source: Amended at 18 Ill. Reg. ____, effective ____)

- | | | |
|----|-------------------------|---|
| 1) | <u>Heading of Part:</u> | Homeowner Mortgage Revenue Bond Program |
| 2) | <u>Code Citation:</u> | 47 Ill. Adm. Code 260 |
| 3) | <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| | 260.101 | New Section |
| | 260.102 | New Section |
| | 260.103 | New Section |
| | 260.104 | New Section |
| | 260.105 | New Section |
| | 260.106 | New Section |
| | 260.107 | New Section |
| | 260.108 | New Section |
| | 260.109 | New Section |
| | 260.110 | New Section |
| | 260.111 | New Section |
| | 260.112 | New Section |
| | 260.113 | New Section |
| | 260.114 | New Section |
| | 260.201 | New Section |
| | 260.202 | New Section |
| | 260.203 | New Section |
| | 260.204 | New Section |
| | 260.205 | New Section |
| | 260.301 | New Section |
| | 260.302 | New Section |
| | 260.303 | New Section |
| | 260.304 | New Section |
| | 260.305 | New Section |
| | 260.401 | New Section |
| | 260.402 | New Section |
| | 260.403 | New Section |
| | 260.404 | New Section |
| | 260.405 | New Section |
| | 260.406 | New Section |
| | 260.407 | New Section |
| | 260.501 | New Section |
| | 260.502 | New Section |
| | 260.503 | New Section |
| | 260.504 | New Section |
| | 260.505 | New Section |
| | 260.506 | New Section |

- 5) A Complete Description of the Subject and Issues Involved: The proposed rules will govern the Illinois Housing Development Authority's single family mortgage purchase program, as authorized by the Authority's Homeowner Mortgage Revenue Bonds General Resolution.
- 6) Will these proposed rules replace emergency rules currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any other proposed rules pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These rules are proposed to accomplish the purchasing and making of loans under the single family mortgage purchase program to accomplish the following objectives: the provision of funds to finance, at interest rates below those otherwise available, residential mortgage loans for low and moderate income persons and families; the provision of housing to alleviate the shortage of adequate housing in the State of Illinois for such persons and families that are residents of the State of Illinois; and the effective participation by mortgage lenders, while restricting their financial return to what is necessary to induce such participation.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Richard B. Muller, Esq., 401 N. Michigan Avenue, Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 23, 1994
- B) Types of small businesses affected: Realtors, homebuilders.

- 4) Statutory Authority: Sections 3805/7.19 and 3805/7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 3805/7.23].

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- C) Reporting, bookkeeping or other procedures required for compliance: Records shall be maintained in a manner sufficient to establish compliance with this Part.
- D) Types of professional skills necessary for compliance: Administrative, secretarial, bookkeeping, accounting, mortgage lending, mortgage servicing and legal.
- 13) The full text of the Proposed Rules begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 260

HOMEOWNER MORTGAGE REVENUE BOND PROGRAM

SUBPART A: GENERAL RULES

Section	Authority
260.101	Purpose and Objectives
260.102	Definitions
260.103	Borrowing by the Authority
260.104	Compliance with Federal Law
260.105	Standards
260.106	Forms for the Program
260.107	Fees and Charges of the Authority
260.108	Waiver
260.109	Amendment
260.110	Severability
260.111	Gender and Number
260.112	Titles and Captions
260.113	Calendar Days
260.114	

SUBPART B: LENDER APPLICATION PROCESS

Section	Invitations to Sell Mortgage Loans
260.201	Security for Allocation of Net Proceeds
260.202	Allocation of Net Proceeds for Purchase of Mortgage Loans
260.203	Notice of Acceptance
260.204	Commitments for Mortgage Loans
260.205	

SUBPART C: HOMEBUILDER APPLICATION PROCESS

Section	HomeBuilder Invitations
260.301	Reservation of Funds for Construction of Qualified Dwellings
260.302	Notice of Reservation of Funds
260.303	Real Estate Purchase Contracts
260.304	Transfer of Reserved Funds
260.305	

SUBPART D: PURCHASE OF MORTGAGE LOANS

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Section
260.401 Mortgage Loans
260.402 Yield on Mortgage Loans
260.403 Terms and Conditions of the Purchase of Mortgage Loans
260.404 Prepayment
260.405 Targeted Area Residences
260.406 Supplemental Mortgage Coverage
260.407 Special Hazard Insurance

SUBPART E: ADMINISTRATIVE RULES

Section
260.501 Restrictions on Return Realized by Lenders
260.502 Servicing of Mortgage Loans
260.503 Purchase of Authority Bonds
260.504 Equal Opportunity Lending
260.505 Inspection of Books and Records
260.506 Termination

AUTHORITY: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/1 et seq.].

SOURCE NOTES: Proposed rules adopted at ___ Ill. Reg. ___.

SUBPART A: GENERAL RULES

Section 260.101 Authority

These Rules are authorized by and made pursuant to Sections 7.19 and 7.23 of the Illinois Housing Development Act, 20 ILCS 3805/7.19 and 7.23 et seq., and shall govern the Illinois Housing Development Authority's single family mortgage purchase program (the "Program") funded by its Homeowner Mortgage Revenue Bonds.

Section 260.102 Purposes and Objectives

These Rules are established to accomplish the general purposes of the Illinois Housing Development Act and in particular the purchasing and making of loans in accordance with the Program to achieve the following objectives: the provision of funds to finance, at interest rates below those otherwise available, residential mortgage loans for low and moderate income persons and families; the provision of housing to alleviate the shortage of adequate housing in the State of Illinois for such persons and families that are residents of the State of Illinois; and the effective participation by mortgage lenders in the Program, while

ILLINOIS REGISTER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

restricting their financial return to what is necessary to induce such participation.

Section 260.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act, 20 ILCS 3805/1 et seq., as amended from time to time.

"Allocation": The amount of funds reserved to a lender in a Series Program pursuant to a Lender Application and a Notice of Acceptance

"Assistant Director": The Assistant Director of the Authority.

"Authority": The Illinois Housing Development Authority.

"Bonds": The Homeowner Mortgage Revenue Bonds issued by the Authority pursuant to the Act from time to time to finance the Program.

"Code": The Internal Revenue Code of 1986, as amended and supplemented, and the regulations promulgated by the Treasury Department thereunder.

"Commitment Fee": The fee that the Authority may require a prospective HomeBuilder to pay to the Authority at the time it files its HomeBuilder Application.

"Deputy Director": The Deputy Director of the Authority.

"Director": The Director of the Authority.

"Eligible Borrower": A person:

who is or will be a resident of the State within sixty days of the closing of his purchase of a Qualified Dwelling;

whose Household Income does not exceed the Maximum Income;

who intends to use the Qualified Dwelling being

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

financed by a Mortgage Loan as his permanent residence within sixty (60) days after the closing of the Mortgage Loan;

who occupies or intends to occupy as a single household the Qualified Dwelling purchased or being purchased as a permanent residence; and

who at no time during the 3-year period ending on the date of closing of the Mortgage Loan had a present ownership interest in his principal residence.

An Eligible Borrower who purchases a Targeted Area Residence or a Qualified Rehabilitation Residence is exempt from the 3-year requirement of this subsection. For purposes of this subsection, the Eligible Borrower's interest in the Qualified Dwelling financed under this Program shall not be taken into account.

A residence that is used as an investment property or a recreational home, or that is primarily intended to be used in a trade or business (including, without limitation, any residence of which more than fifteen percent (15%) of the total area is reasonably expected to be used primarily in a trade or business), does not satisfy the requirements of this subparagraph.

"FHA": The Federal Housing Administration.

"FHLMC": The Federal Home Loan Mortgage Corporation.

"FmHA": The Farmer's Home Administration.

"FNMA": The Federal National Mortgage Association.

"HomeBuilder": An individual or entity approved by the Authority that (1) for the 12-month period preceding the date of its HomeBuilder Application for participation in a Series Program had insurance coverage for product liability, worker's compensation and builder's risk; and (2) had constructed at least two buildings in that same 12-month period or, in the alternative, had constructed at least four buildings in the 24-month period preceding the date of its HomeBuilder Application for participation in a Series Program.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

"HomeBuilder Application": A prospective HomeBuilder's application to construct Qualified Dwellings for sale to Eligible Borrowers pursuant to the terms of a HomeBuilder Participation Agreement and other Program documents.

"HomeBuilder Participation Agreement": The agreement between the Authority and a HomeBuilder pursuant to which the HomeBuilder agrees to construct new Qualified Dwellings for purchase by Eligible Borrowers, and the Authority agrees to purchase Mortgage Loans financing such newly constructed Qualified Dwellings, under the terms and conditions set forth therein.

"Household Income": The total annualized gross income of all persons residing or intending to reside as a single household in a Qualified Dwelling, from whatever source derived and before taxes or withholdings.

"Lender": A State-chartered bank, national banking association, mortgage banking association or institution, credit union, or State or federal savings and loan association 1) that is located and qualified to do business in the State; 2) that is qualified to sell mortgages to FNMA and/or FHLMC (this requirement may be waived by the Director after determination that the assets of the lender exceed \$500,000, that the percentage of mortgage delinquencies in the lender's single family portfolio do not exceed 2.15 times the Statewide average as determined by the last quarterly pronouncement by the United States Federal Home Loan Bank Board and that the lender has an asset-to-liability ratio of at least 1.01/1); 3) the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or which deposits its funds in Illinois financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation; and 4) whose Lender Application has been accepted by the Director, Deputy Director or Assistant Director based upon the satisfaction of the requirements of the Series Program under which the Lender has submitted such Lender Application and a determination of financial suitability after consideration of the net assets, lending capacity, and experience of the potential lender over the past twelve (12) months in residential mortgage lending. The Authority may also be a Lender.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

"Lender Application": A prospective Lender's application to sell Mortgage Loans to the Authority pursuant to the terms of a Mortgage Purchase Agreement and other Series Program documents.

"Maximum Income": 160% of the median income determined by the United States Census Bureau for the Standard Metropolitan Statistical Areas in the State having a population of 3 million or more for the most recent year for which such information is available, as published by the United States Department of Housing and Urban Development, or by such other governmental entity as may be determined by the Director, Deputy Director or Assistant Director to publish substantially comparable information.

"Members": The Members of the Authority.

"Mortgage": The mortgage, or other instrument in the nature of a mortgage, creating a first mortgage lien on a fee interest in Real Estate, together with all supplements, modifications or amendments to it.

"Mortgage Loan": A loan made by a Lender to an Eligible Borrower for the purchase of a Qualified Dwelling and secured by a Mortgage on such Qualified Dwelling. No Mortgage loan shall be a replacement or refinancing of an existing mortgage loan except in the case of a Qualified Rehabilitation loan or other temporary loans, as permitted by Section 143 of the Code.

"Mortgage Purchase Agreement": The agreement between the Authority and a Lender pursuant to which the Authority agrees to purchase Mortgage Loans from the Lender on the terms and conditions set forth therein and which establishes the requirements for Mortgage Loans to be purchased by the Authority.

"Net Proceeds": With respect to the proceeds of each series of Bonds, all moneys made available by the Authority for the purchase of Mortgage Loans.

"Notice of Acceptance": The Authority's notice to a Lender accepting its Lender Application.

"Notice of Reservation of Funds": The Authority's notice to a HomeBuilder 1) accepting its Homebuilder

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Application and 2) setting forth the amount of the HomeBuilder's Reservation.

"Part": This Part 260

"Prepayment": Any moneys, however derived, that are received or recovered by the Authority from any payment of, or with respect to, principal on any Mortgage loan prior to scheduled payments of principal required under such Mortgage Loan.

"Private Mortgage Insurance": Insurance coverage paid for by the Eligible Borrower that insures the Authority against losses with respect to defaults on a Mortgage Loan according to the terms of the insurance policy. The Authority may provide Private Mortgage Insurance or its equivalent.

"Program": The Authority's single family mortgage purchase program that is funded with proceeds of Bonds issued after the date of the adoption of the Resolution.

"Property Value": The lesser of the purchase price or the appraised value of the Qualified Dwelling at the time of the origination of the Mortgage Loan secured by such Qualified Dwelling.

"Qualified Dwelling": A fee simple interest in real property:

that is located in the State;

upon which there is located a structure or structures designed for residential use;

that is a single family residence; a condominium unit meeting the requirements of the Mortgage Purchase Agreement; a one, two-, three- or four-unit structure; or factory-made housing that is permanently fixed to real property;

of which not more than fifteen percent (15%) of the total area is reasonably expected to be used primarily in a trade or business; and

that can reasonably be expected to become the principal residence of the Eligible Borrower

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

within a reasonable time after financing is provided. For purposes of this subparagraph, a "reasonable time after financing is provided" shall be deemed to be a period within sixty (60) days of closing of the Mortgage loan. This period may be extended if the Authority determines that undue hardship to the Eligible Borrower or Lender or an unreasonable result will otherwise occur.

"Qualified Rehabilitation Loan": A Mortgage Loan for the purchase of a Qualified Rehabilitation Residence. An Eligible Borrower for a Qualified Rehabilitation Loan must be the first resident of the Qualified Rehabilitation Residence after the completion of the rehabilitation.

"Qualified Rehabilitation Residence": A qualified Dwelling for which there has been a qualified rehabilitation, as defined in Section 143 of the Code.

"Reservation": The amount of funds reserved to a Homebuilder in a Series Program pursuant to a HomeBuilder Application and a Notice of Reservation of Funds.

"Resolution": The Authority's Homeowner Mortgage Revenue Bonds General Resolution setting forth the general terms and conditions under which the Authority may issue, deliver and sell Bonds.

"Rules": The rules of the Authority, as amended and supplemented from time to time.

"Series Program": A mortgage purchase program authorized by a Series Resolution to become a part of the Program.

"Series Resolution": A resolution issued pursuant to the Resolution authorizing the Authority to conduct a Series Program and to issue Bonds to provide financing for the purchase of Mortgage Loans under such Series Program.

"Servicer": A Lender, or its designated servicer, that has been approved by the Director, Deputy Director or Assistant Director as a Servicer and that has executed a Servicing Agreement with the Authority. The

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Authority may also be a Servicer. A designated servicer other than the Authority must be 1) a State-chartered bank, national banking association, mortgage banking association or institution, credit union or State or federal savings and loan association; 2) that is located and qualified to do business in the State; 3) that is qualified to sell mortgages to FNMA and/or FHLMC, unless such requirement is waived by the Director based upon a determination of financial suitability made by the Director after consideration of the net assets, servicing capacity, and experience of the potential Servicer over the past 12 months in residential mortgage servicing; and 4) the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or that deposits its funds in Illinois financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation.

"Servicing Agreement": The agreement between a Servicer and the Authority (except when the Authority is the Servicer) that sets forth the terms and conditions for the servicing of Mortgage Loans purchased by the Authority.

"Special Hazard Insurance": Insurance that provides protection with respect to loss on properties acquired in connection with the foreclosure of a defaulted Mortgage Loan by reason of damage to properties caused by certain hazards (including earthquakes, and to a limited extent, tidal waves and related water damage) not insured against under a standard hazard insurance policy required to be obtained by each Eligible Borrower, or a flood insurance policy if the property is in a federally designated flood area. The Authority may provide Special Hazard Insurance or its equivalent.

"Staff": The Director, Deputy Director, Assistant Director and employees of the Authority.

"State": The State of Illinois.

"Supplemental Mortgage Coverage": The coverage, if required by a Series Resolution, whether in the form of insurance, a letter of credit, a guarantee, pledged funds or other forms of coverage, of losses incurred from Mortgage Loan defaults under that Series Program. Supplemental Mortgage Coverage may supplement other

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

mortgage insurance and may include any insurance or reserve fund funded by the Authority.

"VA": The United States Veterans' Administration.

Section 260.104 Borrowing by the Authority

To the extent allowed by State or federal law and the Act, the Authority may borrow funds with which to purchase Mortgage Loans under the Program.

Section 260.105 Compliance with Federal Law

Notwithstanding anything in this Part to the contrary, this Part shall be construed in conformity and compliance with applicable federal law, including, without limit, Section 143 of the Code.

Section 260.106 Standards

In administering the Program, the Authority and the Staff, in those instances permitting the exercise of discretion, shall consider, in addition to the criteria specifically set forth in this Part, the following factors:

- a) the purpose of the Program;
- b) the financial condition and previous lending experience of potential and participating lenders and Servicers;
- c) the Authority's ability to purchase or redeem the Bonds and to comply with the requirements of the Resolution and applicable Series Resolutions;
- d) the financial integrity of the Program;
- e) the desirability of achieving a reasonable geographic distribution of Net Proceeds throughout the State; and
- f) the standards of the prudent lender or investor.

Section 260.107 Forms for the Program

The Staff may prepare, use, supplement, and amend such forms, agreements, and other documentation as may be necessary to implement the Program, including, without limitation, a HomeBuilder Application, a Lender Application, a Notice of Acceptance, a Notice of Reservation of Funds, a Mortgage Purchase Agreement and a Servicing Agreement, all as may be

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

prescribed by the Director, Deputy Director or Assistant Director.

Section 260.108 Fees and Charges of the Authority

The Authority may establish and collect a Commitment Fee from each HomeBuilder submitting a HomeBuilder Application in such amount as the Authority may deem appropriate. The Authority shall return any Commitment Fee to any HomeBuilder with which it does not enter into a HomeBuilder Participation Agreement. The Authority may establish such other charges, premiums and penalties as it may deem necessary to administer the Program after consideration of such factors as, including but not limited to, financing requirements of the Program, preferences of bond rating agencies, earnings and arbitrage limitations established by federal or State law and other financial factors relevant to the Program.

Section 260.109 Waiver

The Authority by resolution may waive or vary particular provisions of this Part to conform to changes in the requirements of applicable State or federal law. In addition, the Authority by resolution may waive or vary particular provisions of this Part in exceptional circumstances to conform with its determination that their application may result in undue hardship to a Lender or Eligible Borrower or an unreasonable result.

Section 260.110 Amendment

This Part may be supplemented, amended or repealed by the Members from time to time and in such manner as they may determine consistent with the Authority's internal rules and procedures, the Act, the purposes of the Program and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

Section 260.111 Severability

If any clause, sentence, paragraph, subsection, section or subpart of this Part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section, or subpart thereof as to which such judgment is rendered.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Section 260.112 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

Section 260.113 Titles and Captions

Titles and captions of subparts, sections, and subsections are used for convenience and reference and are not a part of the text.

Section 260.114 Calendar Days

Days shall mean calendar days. Due dates falling on a Saturday, Sunday or legal State or federal holiday shall be deemed to fall on the next calendar day that is not Saturday, Sunday, or a legal State or federal holiday.

SUBPART B: LENDER APPLICATION PROCESS

Section 260.201 Invitations to Sell Mortgage Loans

From time to time the Authority may send application materials to potential lenders inviting them to submit to the Authority Lender Applications to participate in a Series Program. Lenders wishing to participate in such Series Program shall execute and return to the Authority the following documents: the Lender Application, the Mortgage Purchase Agreement (if not already executed), and the Servicing Agreement (if applicable and if not already executed). In addition, the Lender Application shall contain, but not be limited to, the following:

- a) The unconditional agreement of the prospective Lender, effective upon acceptance of the Lender Application by the Authority, to sell to the Authority Mortgage Loans that comply with the terms of the Lender Application, the Mortgage Purchase Agreement and the Notice of Acceptance;
- b) The date by which the Lender Application must be submitted to the Authority to be considered for an Allocation;
- c) Provision for the prospective Lender to furnish such financial and other information as the Authority may reasonably require;
- d) A pro forma copy of any letter of credit the Authority

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

may require as security for the Lender's performance of its obligations under the Series Program; and

- e) A statement of the maximum amount of fees and charges the Lender may charge a prospective Eligible Borrower in connection with a Mortgage Loan.

Section 260.202 Security for Allocation of Net Proceeds

The Authority may require all prospective Lenders for a Series program to deposit, as part of their Lender Applications and as security for performance of their obligations under such Series program, a letter of credit or cash deposit in an amount not to exceed 2% of such Lender's Allocation. The cash deposit or letter of credit shall be returned if the Lender does not participate in such Series Program. If the Lender does participate in such Series Program, the Authority may retain from the cash deposit, or draw on the letter of credit, as the case may be, an amount proportionate to the amount of the Lender's unused Allocation as of the termination of that Series Program.

Section 260.203 Allocation of Net Proceeds for Purchase of Mortgage Loans

The Authority may allocate Net Proceeds among prospective Lenders from which it has received timely Lender Applications. In making such Allocations, the Authority shall consider with respect to each prospective Lender, among other things, the financial condition of the prospective Lender; the aggregate amount of residential mortgage loans made in the State by the prospective Lender during the preceding 12-month period relative to the demand for such loans and the funds available to the prospective Lender to make such loans during such period; the Allocations requested by all prospective Lenders; the ability of the prospective Lender to act as a Servicer of Mortgage Loans; previous participation by the prospective Lender in the Authority's Series Programs; the desirability of achieving a reasonable geographic distribution of Net Proceeds throughout the State; and the existence of any local governmental mortgage purchase program. The Authority shall use its best efforts to allocate Net Proceeds to achieve the purposes set forth in Section 260.102 of this Part. Allocations of Net Proceeds by the Authority shall be conclusive, subject to adjustments permitted in Section 260.403(b) of this Part.

Section 260.204 Notice of Acceptance

The Authority, by Notice of Acceptance, may commit itself,

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

subject to the conditions set forth in the Lender Application and the Mortgage Purchase Agreement, to purchase Mortgage Loans, as offered by a potential Lender in its Lender Application. Immediately after the Authority has issued its Notice of Acceptance to the Lender, the Authority shall execute a Mortgage Purchase Agreement (if not previously executed) with such Lender. The aggregate principal amount of Mortgage Loans that the Authority agrees to purchase from any Lender shall not exceed, and may be less than, the Lender's requested Allocation in its Lender Application. Upon receipt of the Notice of Acceptance, the Lender shall be obligated to originate Mortgage Loans in accordance with the terms of the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement. The obligation of the Authority to purchase any Mortgage Loan shall be subject to the issuance and sale of Bonds by the date set forth in the Lender Application in an amount sufficient to permit such purchase.

Section 260.205 Commitments for Mortgage Loans

Upon receipt of the Notice of Acceptance, the Lender shall issue commitments to Eligible Borrowers to make Mortgage Loans. The Lender may continue to issue firm commitments for the period set forth in the Notice of Acceptance. All Mortgage Loans shall be purchased by the Authority by the date indicated in the Notice of Acceptance.

SUBPART C: HOMEBUILDER APPLICATION PROCESS

Section 260.301 HomeBuilder Invitations

From time to time, the Authority may send application materials to potential Homebuilders inviting them to submit to the Authority HomeBuilder Applications to participate in a Series Program. Homebuilders wishing to participate in that Series Program shall execute and return to the Authority the HomeBuilder Application and HomeBuilder Participation Agreement. In addition, the HomeBuilder Application shall contain among other things, the following:

- a) A requirement that the HomeBuilder state the amount of funds that it wishes to reserve in its name for the financing of Qualified Dwellings constructed or to be constructed by such HomeBuilder in the Series Program;
- b) The unconditional agreement of the prospective HomeBuilder, effective upon acceptance for the Home Builder Application by the Authority, to construct

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Qualified Dwellings for sale to Eligible Borrowers that comply with the terms of the Notice of Reservation of Funds and the HomeBuilder Participation Agreement.

- c) The date by which the HomeBuilder Application must be submitted to the Authority;
- d) Provision for the prospective HomeBuilder to provide such information about the HomeBuilder's construction activities during the period of 24 months prior to the date of the its HomeBuilder Application and such other information as the Authority may reasonably require; and
- e) A statement of the amount of any required Commitment Fee and requirement that such Commitment Fee be submitted in connection with the HomeBuilder Application.

Section 260.302 Reservation of Funds for Construction of Qualified Dwellings

The Authority may make Reservations for prospective HomeBuilders from which the Authority has received timely HomeBuilder Applications and Commitment Fees (if required). In making such Reservations, the Authority shall consider with respect to each such prospective HomeBuilder the number of residential homes and other structures constructed by the HomeBuilder in the State within the 24 month period prior to its HomeBuilder Application; the Reservations requested by all prospective HomeBuilders for the Series Program; the participation of the HomeBuilder in the Authority's previous Series Programs; and the desirability of achieving a reasonable geographic distribution of Net Proceeds for newly-constructed residences thought the State. Reservations shall be conclusive, subject to the adjustments permitted in Section 260.305 of this Part.

Section 260.303 Notice of Reservation of Funds

The Authority may commit itself by Notice of Reservation of Funds, subject to the terms and conditions set forth in the HomeBuilder Application and the HomeBuilder Participation Agreement, to make a Reservation for a prospective HomeBuilder for the financing of Qualified Dwellings constructed or to be constructed for Eligible Borrowers under a Series Program. Contemporaneously with the issuance of the Notice of Reservation of Funds to the HomeBuilder, the Authority shall execute a HomeBuilder Participation Agreement with that HomeBuilder. The

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

amount of the Reservation for the HomeBuilder shall not exceed, and may be less than, such HomeBuilder's requested Reservation in its HomeBuilder Application. Upon receipt of the Notice of Reservation of Funds, the HomeBuilder shall be obligated to construct Qualified Dwellings in accordance with the terms of the HomeBuilder Application and the HomeBuilder Participation Agreement. The obligation of the Authority to make Reservations to HomeBuilders shall be subject to the issuance and sale of Bonds by the date set forth in the HomeBuilder Application in an amount sufficient to permit such Reservations.

Section 260.304 Real Estate Purchase Contracts

Upon receipt of the Notice of Reservation of Funds, the HomeBuilder shall construct Qualified Dwellings for sale to Eligible Borrowers. The HomeBuilder shall enter into standard residential purchase contracts with prospective Eligible Borrowers and refer such Eligible Borrowers to Lenders participating in the Series Program to obtain Mortgage Loans in connection with the purchase of Qualified Dwellings. All Qualified Dwellings shall be constructed and sold to Eligible Borrowers by the date indicated in the HomeBuilder Participation Agreement.

Section 260.305 Transfer of Reserved Funds

If a HomeBuilder fails or is unable to construct and sell Qualified Dwellings in the amount of its Reservation on the terms and conditions, and within the time period, set forth in the HomeBuilder Participation Agreement, the Authority may, at the request of the HomeBuilder, reallocate all or a part of the unused portion of the HomeBuilder's Reservation to other HomeBuilders; redeem all or part of the Bonds issued with respect to such unused portion of the Reservation, but only if permitted by the Series Resolution authorizing the issuance of the Bonds; or undertake a combination of the above.

SUBPART D: PURCHASE OF MORTGAGE LOANS

Section 260.401 Mortgage Loans

Each Mortgage Loan to be purchased under the Program shall comply with the terms of the Lender Application, the HomeBuilder Application (if applicable), the Notice of Acceptance and the Mortgage Purchase Agreement, and shall specifically comply with the following requirements, among others:

- a) The original principal amount of each Mortgage Loan,

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

unless such Mortgage Loan is the subject of insurance or guaranty by the FHA, the VA or the FmHA, shall not exceed 100% of the Property Value. Each Mortgage Loan that has a loan-to-property value ratio in excess of 80% at the time of origination shall (i) be insured by a private mortgage insurer licensed to do business in the State and qualified to insure single family mortgages purchased by the FHLBC or successor federal agency to the extent, if any, required, so that the uninsured portion of such Mortgage Loan shall not exceed 75% of the Property Value, or (ii) be subject to insurance or guaranty by the FHA or the VA or any other agency or instrumentality of the United States of America having similar powers to insure or guarantee mortgage loans.

- b) Each Mortgage Loan to be purchased by the Authority shall be secured by a Mortgage on a Qualified Dwelling and shall also meet the applicable terms and conditions set forth in the Rules, the HomeBuilder Application (if applicable), the Lender Application, the Notice of Acceptance and the Mortgage Purchase Agreement. Lenders shall sell to the Authority, and the Authority shall purchase, only Mortgage Loans made to Eligible Borrowers.

- c) Each Mortgage securing a Mortgage Loan to be purchased by the Authority shall 1) be executed on a form approved by the Authority, 2) be a valid first mortgage lien on a Qualified Dwelling, 3) be consistent with Illinois law and 4) conform with the requirements prescribed by the Authority and any applicable insurer.

- d) Each Mortgage Loan to be purchased by the Authority shall be non-assumable and non-assignable, unless otherwise required by applicable State or federal law, and shall contain a provision giving the Authority the right to accelerate the maturity of the Mortgage Loan upon sale or lease of the Qualified Dwelling.

- e) The purchase price of each Qualified Dwelling that is the subject of a Mortgage Loan to be purchased by the Authority under the Program shall not exceed 90% of the average area purchase price applicable to the areas in which such Qualified Dwelling is located (except that in the case of Targeted Area Residences the purchase price shall not exceed 110% of the average area purchase price), except to the extent permitted by the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Code. Average area purchase price shall be established pursuant to procedures prescribed by the Code.

- f) The Authority shall not purchase any Mortgage Loan if, on the date of purchase, the obligor of the Mortgage Loan is delinquent in the payment of any installment of principal, interest or other amounts due under the terms of such Mortgage Loan.

- g) The Authority may foreclose Mortgages held as security for Mortgage Loans purchased under this Part that are in default according to their terms, or reassign such Mortgages to the Lender in accordance with the terms of the Mortgage Purchase Agreement. The Authority may take title in its name upon foreclosure and to subsequently convey title to such property to any qualified insurer of the mortgage or any bona fide purchaser of the property.

Section 260.402 Yield on Mortgage Loans

In no event shall the yield on Mortgage Loans sold to the Authority exceed the maximum permitted by application of the provisions of Section 143 of the Code.

Section 260.403 Terms and Conditions of the Purchase of Mortgage Loans

- a) The Authority shall purchase Mortgage Loans on the terms and conditions and in the manner prescribed in the Mortgage Purchase Agreement. The Mortgage Purchase Agreement shall contain such warranties of the Lender in connection with the Mortgage Loans to be sold thereunder as the Authority shall require, which shall include, among others, the following:
 - 1) the mortgagor is an Eligible Borrower;
 - 2) The purchase price of the Qualified Dwelling subject to the Mortgage Loan does not exceed any maximum purchase price limitations established by the Authority;
 - 3) The Mortgage Loan is evidenced by a properly executed promissory note made payable or assigned to the order of the Lender, endorsed by the lender to the Authority and secured by a Mortgage on the Qualified Dwelling; both the note and the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Mortgage are the legal, valid, and binding obligations of the makers and mortgagors thereof and are enforceable in accordance with their terms, except only as such enforcement may be limited by laws affecting the enforcement of creditors' rights generally, and all parties to each Mortgage Loan had full legal capacity to execute all Mortgage Loan documents at the time of execution;

- 4) The Mortgage, the Uniform Commercial Code Form 1 and Form 2 financing statements, if any, and any other document required to be filed in a public office to perfect the mortgage lien against third parties have been duly and timely filed, registered, or recorded by the Lender in the proper public office in order to give constructive notice of them to all subsequent purchasers or encumbrancers;
- 5) The Lender, being the sole owner and holder of the Mortgage Loan, has full right to sell and assign the Mortgage Loan to the Authority and such assignment conveys a good and marketable mortgagee's title to the Authority free and clear of all liens and encumbrances and subject only to real property taxes and assessments not yet due and encumbrances customarily accepted in accordance with applicable title standards and disclosed to the Authority prior to purchase of the Mortgage Loan;
- 6) The Mortgage creates a valid and existing first mortgage lien on the Qualified Dwelling to secure the Mortgage Loan; the term "first mortgage lien" means such classes of first liens as are commonly given to secure loans on real estate under the laws of the State;
- 7) The Lender has not modified in any respect, has not satisfied, canceled, subordinated, or compromised in whole or in part the Mortgage Loan indebtedness and has not released the mortgaged property in whole or in part from the lien of the indebtedness evidenced by the note and secured by the Mortgage; and the terms, covenants, and conditions of the note evidencing the Mortgage Loan and the Mortgage securing the Mortgage Loan

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

have not been waived, altered, or modified in any respect that would materially affect the validity or enforceability of the Mortgage Loan or the security of the lien of the Mortgage;

- 8) The real property securing the Mortgage Loan is a Qualified Dwelling;
- 9) The Qualified Dwelling is covered by a valid and existing policy of hazard insurance meeting the requirements of the Authority;
- 10) The Lender has complied as follows:
 - A) as to each FHA-insured Mortgage Loan, with the National Housing Act, 12 U.S.C. Section 1701 et seq., as amended and supplemented, all rules and regulations issued thereunder and all administrative publications. The FHA insurance shall be in full force and effect and, upon purchase by the Authority of the Mortgage Loan, shall inure to the benefit of the Authority;

B) as to each Mortgage Loan guaranteed by the VA or FmHA, with the Servicemen's Readjustment Act, 38 U.S.C. Section 1803 et seq., the Consolidated Farm and Rural Development Act, 7 U.S.C. Section 1921 et seq., Title V of the Housing Act of 1949, 42 U.S.C. Sections 1471-1482 or other applicable federal law, as amended and supplemented, all rules and regulations issued thereunder and all administrative publications. Any such guaranty shall be in full force and effect and, upon purchase by the Authority of the Mortgage Loan, shall inure to the benefit of the Authority; and

C) as to each Mortgage Loan insured by a private mortgage insurance company, with all rules and requirements of such company. Any such insurance shall be in full force and effect and, upon purchase by the Authority of the Mortgage Loan, shall inure to the benefit of the Authority;

- 11) The Mortgage Loan is covered by a fully paid

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

mortgagee's title insurance policy in such form as the Authority may require; and

- 12) To the best of Lender's information, knowledge and belief, no condition exists that would prohibit the purchase of the Mortgage Loan by the Authority under all applicable rules, regulations and contractual provisions.

b) If the Lender fails to deliver Mortgage Loans to the Authority in the amount, on the terms and conditions, and within the time period set forth in the Mortgage Purchase Agreement, the Authority may, if it so chooses and in its sole discretion, reallocate all or part of the unused portion of the Lender's Allocation to other Lenders; redeem all or part of the applicable Bonds issued with respect to such unused portion of the commitment, but only if permitted by the Series Resolution of the Authority authorizing issuance of the Bonds; or undertake a combination of the above. The Mortgage Purchase Agreement may provide for liquidated damages, extension fees, and forfeiture of any commitment fees paid by the Lender if the Authority makes any reallocation pursuant to this subsection.

c) The Mortgage Purchase Agreement shall provide that the Authority shall have the right to require the Lender to repurchase Mortgage Loans sold to the Authority by the Lender if the Director, Deputy Director or Assistant Director determines that the Lender has failed to comply with the requirements of either this Part or its contracts and agreements with the Authority under the Program.

Section 260.404 Prepayment

The Authority may, at its option, apply any Prepayment it receives as follows:

- a) to the purchase of additional Mortgage Loans in accordance with the requirements of the Program;
- b) to the purchase or redemption of Bonds, subject in each case to the requirements of the Series Resolutions relating to the issuance of its Bonds; or
- c) for other corporate purposes of the Authority.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Section 260.405 Targeted Area Residences

The Authority shall comply with the requirements of Section 143 of the Code in connection with the purchase of Mortgage Loans on Targeted Area Residences.

Section 260.406 Supplemental Mortgage Coverage

If required by the applicable Series Resolution, the Authority shall obtain Supplemental Mortgage Coverage for a Series Program in an amount not less than that percentage of the original aggregate principal amount of the Mortgage Loans authorized by such Series Resolution. Such Supplemental Mortgage Coverage shall insure the Authority against losses arising from an event of default under any Mortgage Loan covered by the policy in an amount equal to the unpaid principal balance of, and accrued interest on, the Mortgage Loan and customary fees and expenses paid by the Authority to preserve and protect the mortgaged premises and to foreclose or otherwise dispose of such premises, such as real estate taxes, hazard and private insurance premiums and foreclosure expenses, less the amount received by the Authority under any other insurance policy on the Mortgage Loan or from disposition of such premises or substantially similar benefits.

Section 260.407 Special Hazard Insurance

If required by the applicable Series Resolution, the Authority shall obtain Special Hazard Insurance for a Series Program in the amount required by that Series Resolution.

SUBPART E: ADMINISTRATIVE RULES

Section 260.501 Restrictions on Return Realized by Lenders

The Authority shall establish the maximum income that may be realized by any Lender and by any agent of any Lender from Mortgage Loans, including any commitment fees, premiums, bonuses, points or other fees charged by the Lender or the Lender's agent in connection with the making of Mortgage Loans. Such maximum income shall be set at such amounts as the Authority finds reasonably necessary to induce participation in the Program by Lenders in order to accomplish the purposes of the Act, or to ensure compliance with arbitrage and income limitations of Section 143 of the Code.

Section 260.502 Servicing of Mortgage Loans

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

The Authority shall cause all Mortgage Loans purchased by the Authority to be serviced by a Servicer pursuant to the Servicing Agreement. Such Servicer may be the Authority or the Lender from which such Mortgage Loans are purchased.

Section 260.503 Purchase of Authority Bonds

No Lender or Eligible Borrower, including any "related person," as defined in Section 144(a)(3) of the Code, pursuant to any arrangement, formal or informal, direct or indirect, shall agree to purchase the Bonds or other obligations of the Authority in an amount related to the aggregate principal amount of the Mortgage Loans to be sold by or made to such Lender, Eligible Borrower or related person.

Section 260.504 Equal Opportunity Lending

In making Mortgage Loans, the Lender shall not deny such Mortgage Loans to any person or persons or discriminate against such person or persons in fixing the amount, interest rate, duration, or other terms and conditions of such loans on account of race, color, religion, age, sex, marital status, family status, handicap, ancestry, national origin or unfavorable military discharge; and shall otherwise be subject to all State and federal requirements with respect to non-discrimination in lending including, without limitation, Title VI of the U.S. Civil Rights Act of 1964 (42 U.S.C. Section 2000 et seq.), Title VIII of the U.S. Civil Rights Act of 1968, (42 U.S.C. Section 3604 et seq.), as amended by the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.), the Equal Credit Opportunity Act (15 U.S.C. Sections 1691-1691F), the Fair Credit Reporting Act (15 U.S.C. Sections 1681-1681t), the Fair Housing Act (42 U.S.C. 3601-20), the Illinois Human Rights Act (775 ILCS 5/1-101 et seq. and Section 13 of the Act).

Section 260.505 Inspection of Books and Records

Upon prior written notice, the Authority may inspect, examine, and copy the books and records of each Lender for the purpose of determining compliance with the Act and all contracts and agreements between the Authority and such Lender relating to the Program.

Section 260.506 Termination

The Authority shall retain the right to establish procedures for the termination of its obligation to purchase Mortgage Loans associated with any particular issue of Bonds under the Program,

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

subject to applicable State law and to its existing contractual obligations, including contractual obligations arising under a HomeBuilder Application, a Lender Application, a Notice of Reservation of Funds, a Notice of Acceptance, a Mortgage Purchase Agreement and a Servicing Agreement.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Group Coverage Discontinuance and Replacement
- 2) Code Citation: 50 Ill. Adm. Code 2013
- 3) Section Numbers:

	<u>Proposed Action:</u>
2013.10	Amended
2013.20	Amended
2013.30	Amended
2013.40	Amended
2013.60	Amended
2013.70	Amended
- 4) Statutory Authority: Implementing and authorized by Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 979i) [215 ILCS 5/367i].
- 5) A Complete Description of the Subjects and Issues Involved:
The Department is simply making revisions to further clarify the intent of this Part.
- 6) Will this proposed rule replace emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed Amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell, Staff Attorney
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not affect small businesses as that term is defined in Section 1-75 of the Illinois Administrative Procedure Act [215 ILCS 100/1-75].

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE
HEALTH MAINTENANCE ORGANIZATION

PART 2013

GROUP COVERAGE DISCONTINUANCE AND REPLACEMENT

Section
2013.10
2013.20
2013.30
2013.40

2013.50
2013.60
2013.70

Authority

Scope

Definitions

Effective Date of Discontinuance for Non-Payment of Premium or Subscription Charges
Requirements for Notice of Discontinuance
Extension of Benefits
Continuance of Coverage in Situations Involving Replacement of One Group Contract by Another

AUTHORITY: Implementing and authorized by Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 979i) [215 ILCS 5/367i].

SOURCE: Adopted at 14 Ill. Reg. 17217, effective October 4, 1990; amended at 18 Ill. Reg. _____, effective _____.

Section 2013.10 Authority

This Part is adopted and promulgated by the Director of Insurance pursuant to Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 979i) [215 ILCS 5/367i].

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2013.20 Scope

This Part is applicable to all group health or disability insurance contracts and group Health Maintenance Organization (HMO) contracts, issued for delivery in this State, renewed, amended or under which the level of benefits or premium is altered or modified, covering persons as employees of employers or as members of unions or associations.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

_____)

Section 2013.30 Definitions

Accrued Liability means liabilities established on the date an injury is sustained or an illness commences.

Group Contract means a contract for health or disability insurance or an HMO contract made with an employer or other entity that covers a group of persons, identified as individuals, because of their relationship to the covered entity.

Prior Carrier means the carrier of group health care coverage provided by the employer or other entity immediately prior to the effective date of discontinuance and which has or has not been replaced by a succeeding carrier's coverage plan.

Succeeding Carrier means the carrier of group health coverage provided by an employer or other entity which is issued within 90 days after the discontinuance of the prior plan.

Totally Disabled means:

a) For long-term-disability-policies employees, the inability of the covered employee to perform his or her regular or customary occupational duties because of injury or disease; and after benefits have been paid for 24 months, the covered person cannot perform the duties of any gainful occupation for which he or she is reasonably fitted by training, education or experience; or

b) for short-term-disability-policies:

1) the-inability-of-the-covered-employee-to-perform-his-or-her-regular-or-customary-occupational-duties-because-of-injury-or-disease;-or

b) For the-inability-of-a dependents or retired employees, the inability because of injury or disease, to engage in substantially all of the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

normal activities of a person in good health of like age and sex because-of-injury-or-disease.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2013.40 Effective Date of Discontinuance for Non-Payment of Premium or-Subscription-Charges

a) If a group contract subject to this Part provides for automatic discontinuance of the contract after a premium has remained unpaid through the grace period allowed for such payment, the carrier shall be liable for valid claims for covered losses incurred prior to the end of the grace period. The carrier shall, however, be entitled to the premium due for coverage provided during the grace period.

b) If the actions of the carrier after the end of the grace period indicate that it considers the group contract as continuing in force beyond the end of the grace period by continuing to recognize claims subsequently incurred, the carrier shall be liable for valid claims for losses beginning prior to the effective date of written notice of discontinuance to the contract holders or other entity responsible for making payments to the carrier. The effective date of discontinuance shall not be prior to midnight at the end of the third scheduled work day after the date upon which the notice is delivered.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2013.60 Extension of Benefits

a) Every group contract subject to this Part must include a provision for a reasonable extension of benefits in the event of total disability on the date of discontinuance of the group contract as required by subsections (b) through and (dc) hereunder.

b)d) In the case of a disability income contract providing benefits for loss of time from work, or specific indemnity during hospital confinement on an accrued liability basis, discontinuance of the group contract during a

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

disability or confinement shall have no effect on benefits payable for that disability or confinement.

e)b) In all other the cases of hospital or and medical expense coverages and HMO plans, other than dental, pharmaceutical or other limited expense coverages, a reasonable-extension-of-benefits-provision-is-required. Such extension will be considered "reasonable" if it provides for an extension until the earliest of the following:

- 1) the end of twelve months; or
- 2) the date the maximum benefit is reached; or
- 3) the end of total disability.

d)c) Under For other types of hospital or medical expense plans, such as those limited to hospital expenses only, medical expenses only, or surgical expenses only, a reasonable-extension-of-benefits-is-required. Such extension will be considered "reasonable" if it provides for an extension until the earliest of the following:

- 1) ninety days; or
- 2) the date the maximum benefit is reached; or
- 3) the end of total disability.

e) Any applicable extension of benefits or accrued liability shall be described in the group contract involved as well as in group certificates. The All benefits payable during any period of extension of benefits or accrued liability may will be subject to the group contract's regular benefit limits (e.g., benefits ceasing at exhaustion of a benefit period or of maximum benefits or benefit restrictions for services provided by unaffiliated providers of an HMO) but in no event shall the extensions-described-in-subsection-(c)-above benefits be reduced solely because of the discontinuance of the group contract except as otherwise permitted by this Part.

f) An extension of benefits need not be provided when an individual's coverage terminates under the group

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

contract in accordance with the contract's eligibility and termination provisions.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 2013.70 Continuance of Coverage in Situations Involving Replacement of One Group Contract by Another

This Section sets standards for determining liability when one group contract replaces another group contract.

a) Liability of prior carrier.

1) The prior carrier remains liable only to the extent of its accrued liabilities and extensions of benefits. The position of the prior carrier shall be the same whether the group contract holder or other entity secures replacement coverage from a new carrier, the same carrier, self-insures, or foregoes the provision of coverage.

2) Employees and dependents who are totally disabled on the date of discontinuance of the group policy of the prior carrier shall be provided an extension of benefits for a disabling illness, injury or condition as described in subsection 2013.60(c).

3) The prior carrier, if an HMO, may limit the extension of benefits for a totally disabling illness, injury or condition to services provided by or through their participating providers, unless services are rendered on an emergency basis.

4) No prior carrier may terminate the required extension of benefits because the totally disabled person becomes covered under the succeeding carriers contract.

5) The prior carrier must provide the extension of benefits without cost to the totally disabled person except for copayments, coinsurance and deductibles in effect at the time of discontinuance and following the discontinuance of coverage.

b) Liability of Succeeding Carrier.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Each person who is eligible for coverage in accordance with the succeeding carrier's plan of benefits; in respect to classes eligible and actively at work and non-confinement rules, shall be covered by the succeeding carrier's plan of benefits. For purposes of this subsection, the succeeding carrier shall not individually underwrite when determining eligibility except for purposes of accepting or rejecting the group as a whole.

2) Each person not covered under the succeeding carrier's plan of benefits in accordance with subsection (b)(1) above because he or she does not satisfy the actively at work or non-confinement requirement, must nevertheless be covered by the succeeding carrier in accordance with the following standards if such individual was validly covered, including benefits-extension by extension of benefits, under the prior plan on the date of discontinuance--if and such individual is a member of the class or classes of individuals eligible for coverage under the succeeding carrier's plan; but does not satisfy the actively-at-work-or-non-confinement-requirements-of-this-plan-on-its-effective-date; such individual shall be eligible for benefits as described hereunder. Any reference in the following standards to an individual who was or was not totally disabled is a reference to the individual's status immediately prior to the date the succeeding carrier's coverage becomes effective.

A) The minimum level of benefits to be provided by the succeeding carrier shall be the applicable level of benefits of the prior carrier's plan reduced by any benefits payable by the prior plan.

B) When the succeeding carrier is an HMO, the benefits must be the HMO's own level of benefits, reduced by benefits provided or payable by the prior plan.

C) Benefits under this subsection must be provided by the succeeding carrier until at least the earliest of the following dates:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

i) the date the individual becomes eligible under the succeeding carrier's group contract according to subsection (b)(1) above.

ii) for each type of coverage, the date the individual's benefits would terminate in accordance with the succeeding carrier's plan provisions applicable to individual termination of coverage (e.g., at termination of employment or ceasing to be an eligible dependent).

iii) in the case of an individual who was totally disabled and in the case of a type of coverage for which Section 2013.60 requires an extension of benefits or accrued liability, the end of any period of extension or accrued liability, which is required of the prior carrier by Section 2013.60 or, if the prior carrier's policy is not subject to that Section, would have been required of that carrier had its policy been subject to Section 2013.60 at the time the prior plan was discontinued and replaced by the succeeding group contract.

3) The conversion privilege shall be available to those individuals whose benefits cease, if the individual has not become eligible under the succeeding carrier's plan described in subsection (b)(1) above.

4) In the case of a pre-existing conditions limitation included in the succeeding carrier's plan, the level of benefits applicable to pre-existing conditions of persons covered by the succeeding carrier during the period of time this limitation applies, shall be the lesser of:

A) the benefits of the new plan determined without application of the pre-existing conditions limitation; or

B) the benefits of the prior plan.

5) The succeeding carrier, in applying any deductibles, coinsurance, copayments or waiting period in

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

its plan, shall give credit for the satisfaction or partial satisfaction of the same or similar provisions under a prior plan providing similar benefits. In the case of deductible provisions, the credit shall apply for the same or overlapping benefit periods and shall be given for expenses actually incurred and applied against the deductible provision of the prior carrier's plan during the 90 days preceding the effective date of the succeeding carrier's plan, but only to the extent these expenses are recognized under the terms of the succeeding carrier's plan and are subject to similar deductible provisions.

- 6) In any situation where a determination of the prior carrier's benefits is required by the succeeding carrier, at the succeeding carrier's request the prior carrier shall furnish a statement of the benefits available or pertinent information, sufficient to permit verification of the benefit determination or the determination itself by the succeeding carrier. For purposes of this Section, benefits of the prior plan will be determined in accordance with all of the definitions, conditions, and covered expenses provisions of the prior plan rather than those of the succeeding plan. The benefit determination will be made as if coverage had not been replaced by the succeeding carrier.

c) Liability of Succeeding Carrier as an HMO

- 1) So long as federally qualified HMOs are not permitted to require actively at work, hospital non-confinement rules, medical evidence of insurability, or pre-existing condition limitations, subsection (b)(2)(A) and (b)(4) above do not apply to federally qualified HMOs.
- 2) In situations where services for the totally disabled person are provided by the succeeding HMO, the succeeding HMO may bill the prior carrier for the reasonable cash value of services provided when the prior carrier has an obligation under its required extension of benefits. The prior carrier shall make direct payment to the succeeding HMO for the cost of the services provided.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions2) Code Citation: 35 Ill. Adm. Code 2113) Section Numbers: Proposed Action:

211.1102	Amend
211.1920	New Section
211.3500	New Section
211.3620	New Section
211.4260	New Section
211.5340	New Section
211.6355	New Section
211.6360	New Section

4) Statutory Authority: 415 ILCS 5/28.5 and 39.55) A Complete Description of the Subjects and Issues Involved:
These proposed amendments add definitions of terms used in the proposed amendments to Part 201 (see separate notice for Part 201 addressing insignificant activities and emission levels for purposes of the Clean Air Act Permit Program ("CAAPP")).6) Will this proposed rule replace an emergency rule currently in effect? Yes Yes X No7) Does this rulemaking contain an automatic repeal date?
Yes X No8) Does this proposed amendment contain incorporations by reference? Yes X No9) Are there any other proposed amendments pending on this Part? X Yes No

Section 211.5060 18 Ill. Reg. 7589, May 20, 1994

10) Statement of Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking:

Send written comments concerning R94-14 within 45 days of publication in the Illinois Register to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and

Kathleen C. Bassi
Associate Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, Illinois 62794-9276

All comments should be clearly marked with the docket number R94-14. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312)814-6062 or Kathleen Bassi, Illinois Environmental Protection Agency at (217) 524-3333.

Public hearings are scheduled for June 29, 1994, at 10:30 a.m., James R. Thompson Center, 100 W. Randolph, Room 9-040, Chicago, Ill. and if necessary on July 26, and August 8, 1994, at the same time and location. Contact Diane O'Neill, hearing officer at (312) 814-6062 if interested in the hearings.

12) Initial Regulatory Flexibility Analysis: No small businesses will be affected to a greater degree than allowed by current statutes and regulations. Consequently, a Regulatory Flexibility Analysis is not applicable.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
May 23, 1994

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Units Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.490	Annual Grain Through-Put
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.670	Baked Coatings

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.690	Batch Loading
211.710	Bead-Dipping
211.730	Binders
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.970	Certified Investigation
211.990	Choke Loading
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensible PM-10
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1890	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation
211.2130	Existing Grain-Handling Operation
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.2610	Gel Coat
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset-Web-Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	In-Process Tank
211.3090	In-Situ Sampling Systems
211.3110	Incinerator
211.3130	Indirect Heat Transfer
211.3150	Ink
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3930	Monitor
211.3950	Monomer
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation
211.4010	New Grain-Handling Operation
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-contact Process Water Cooling Tower
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Materials
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5030	Pressure Release
211.5050	Pressure Tank
211.5070	Prime Coat
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6030	Smoke
211.6050	Smokeless Flare
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6710	Touch-Up
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6870	Unregulated Safety Relief Valve
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking

Section 211.APPENDIX A Rule into Section Table

Section 211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat., 1991, ch. 111, pars. 1009, 1010 and 1027), (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amended in R93-14 at 18 Ill. Reg. 1253, effective January 8, 1994; amended in R94- at Ill. Reg. effective _____.

Section 211.102 Abbreviations and Units Conversion Factors

a) Abbreviations used in this Part include the following:

ASTM	American Society for Testing and Materials
bb1	barrels (42 gallons)
btu	British thermal units (60°F)
btu/hr	btu per hour
°C	degrees Celsius or centigrade
CAAPP	Clean Air Act Permit Program
cm	centimeters
cu in	cubic inches
°F	degrees Fahrenheit
FIP	Federal Implementation Plan
ft	feet
ft ²	square feet
ft ³	cubic feet
g	grams
gpm	gallons per minute
g/mole	grams per mole
gal	gallons
hp	horsepower
hr	hours
in	inch
°K	degrees Kelvin
kcal	kilocalories
kg	kilograms
kg/hr	kilograms per hour
kPa	kilopascals; one thousand newtons per square meter
kW	kilowatt
l	liters
l/sec	liters per second
lbs	pounds
lbs/day	pounds per day
lbs/hr	pounds per hour
lbs/gal	pounds per gallon
lbs/yr	pounds per year
LEL	lower explosive limit
m	meters
m ²	square meters
m ³	cubic meters
mg	milligrams

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Mg	Megagrams, metric tons or tonnes
ml	milliliters
min	minutes
MJ	megajoules
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
mmHg	millimeters of mercury
MTE	maximum theoretical emissions
MW	megawatt; one million watts
MW-hr	megawatt per hour
NDO	natural draft opening
NOx	nitrogen oxides
ppm	parts per million
ppm (vol)	parts per million by volume
ppmv	parts per million by volume
ppmvd	parts per million by volume dry
psi	pounds per square inch
psia	pounds per square inch absolute
psig	pounds per square inch gauge
PTE	potential to emit
RACT	reasonably available control technology
scf	standard cubic feet
scm	standard cubic meters
sec	seconds
SIP	State Implementation Plan
TPE	temporary total enclosure
sq cm	square centimeters
sq in	square inches
T	short ton (2,000 lbs)
ton	short ton (2,000 lbs)
TPY	tons per year
USEPA	United States Environmental Protection Agency
VOC	volatile organic compounds
VOL	volatile organic liquids
VOM	volatile organic materials

b) The following conversion factors are used in this Part.

English	Metric
1 gal	3.785 l
1,000 gal	3,785 l or 3.785 m ³
1 psia	6.897 kPa (51.71 mmHg)
2,205 lbs	1 kg
32°	0°C (273.15° K)
1 bbl	159.0 l
1 cu in	16.39 ml
1 lb/gal	119,800 mg/l

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1 lb/mmbtu	1.548 kg/MW-hr
1 lb/T	0.500 kg/Mg
1 ton	0.907 Mg
1 T	0.907 Mg
mmbtu/hr	0.293 MW

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 211.1920 Emergency or Standby Unit

"Emergency or standby unit" means, for a stationary gas turbine or a stationary reciprocating internal combustion engine, a unit that:

- Supplies power for the source at which it is located but operates only when the normal supply of power has been rendered unavailable by circumstances beyond the control of the owner or operator of the source and only as necessary to assure the availability of the engine or turbine;
- Operates exclusively for firefighting or flood control or both; or
- Operates in response to and during the existence of any officially declared disaster or state of emergency.

The term does not include equipment used for purposes other than emergencies, as described above, such as to supply power during high electric demand days.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 211.3500 Lubricating Oil

"Lubricating oil" means an oil manufactured from petroleum or used oil for a use other than fuel, including engine oil, gear oil, transmission oil, turbine oil, hydraulic oil, aviation oil, heat transfer oil, as well as synthetic oils manufactured to serve such functions, base stock, and additive packages and individual additives for such lubricating oil including viscosity index improvers, dispersants, corrosion inhibitors, antioxidants, detergents, wear inhibitors, friction modifiers, and pour point depressants, but not including used oil.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 18 Ill. Reg. _____,
effective _____)

Section 211.3620 Manually Operated Equipment

"Manually operated equipment" means a machine or tool that is handheld, such as a handheld circular saw or compressed air chisel; a machine or tool where the workpiece is held or manipulated by hand, such as a bench grinder; a machine or tool where the tool or bit is manipulated by hand, such as a lathe or drill press; and any dust collection system which is part of such machine or tool; but not including any machine or tool where the extent of manual operation is to control power to the machine or tool and not including any central dust collection system serving more than one machine or tool.

(Source: Added at 18 Ill. Reg. _____,
effective _____)

Section 211.4260 Organic Solvent

"Organic solvent" means a solvent that consists of organic mineral spirits, methyl ethyl ketone, acetone, ethanol, ether, toluene, or other organic materials other than soap, detergent, surfactants, lubricating oil, wax, vegetable oil, grease, glycerin, or animal fat. For purposes of 35 Ill. Adm. Code 201. Subpart F, a solvent which is a mixture shall be an organic solvent if it contains more than 5 percent by volume of such organic materials.

(Source: Added at 18 Ill. Reg. _____,
effective _____)

Section 211.5340 Rated Heat Input Capacity

"Rated heat input capacity" means the ability of an emission unit to combust a maximum amount of fuel on a steady state basis, as limited by a federally enforceable permit condition, or otherwise as stated by the manufacturer of the unit, based on the physical design and characteristics of the unit, or, if higher than the manufacturer's stated maximum amount, as demonstrated by the actual operation of the unit.

(Source: Added at 18 Ill. Reg. _____,
effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 211.6355 Stationary Gas Turbine

"Stationary gas turbine" means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on wheels for portability.

(Source: Added at 18 Ill. Reg. _____,
effective _____)

Section 211.6360 Stationary Reciprocating Internal Combustion Engine

"Stationary reciprocating internal combustion engine" means any internal combustion engine, except a gas turbine, that is not self-propelled. It may, however, be mounted on wheels for portability.

(Source: Added at 18 Ill. Reg. _____,
effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Permits and General Provisions

2) Code Citation: 35 Ill. Adm. Code 201

<u>Section Numbers:</u>	<u>Proposed Action:</u>
201.101	Amend
201.166	Renumber
201.167	Renumber
201.168	Renumber, Amend
201.207	Renumbered, New
201.208	New Section
201.209	Renumbered, New
201.210	Renumbered, New
201.211	New Section
201.212	New Section

4) Statutory Authority: 415 ILCS 5/28.5 and 39.5

5) A Complete Description of the Subjects and Issues Involved:
These proposed amendments define insignificant activities and emission levels for purposes of the Clean Air Act Permit Program ("CAAPP"). A CAAPP application is not required to address insignificant activities and emission levels in the same level of detail as other activities at a CAAPP source.

6) Will this proposed rule replace an emergency rule currently in effect? Yes ☒ No ☐

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed amendment contain incorporations by reference? Yes ☒ No ☐

9) Are there any other proposed amendments pending on this Part? Yes ☒ No ☐

Section 201.302, 18 Ill. Reg. 7636, May 20, 1994

10) Statement of Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking:

Send written comments concerning R94-14 within 45 days of publication in the Illinois Register to:
Dorothy Gunn, Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and

Kathleen C. Bassi, Associate Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, Illinois 62794-9276

All comments should be clearly marked with the docket number R94-14. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312)814-6062 or Kathleen Bassi, Illinois Environmental Protection Agency at (217) 524-3333.

Public hearings are scheduled for June 29, 1994, at 10:30 a.m., James R. Thompson Center, 100 W. Randolph, Room 9-040, Chicago, Ill. and if necessary on July 26, and August 8, 1994, at the same time and location. Contact Diane O'Neill, hearing officer at (312) 814-6062 if interested in the hearings.

12) Initial Regulatory Flexibility Analysis: No small businesses will be affected to a greater degree than allowed by current statutes and regulations. Consequently, a Regulatory Flexibility Analysis is not applicable.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
May 23, 1994

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201

PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section
201.101
201.102
201.103
201.104

Other Definitions
Definitions
Abbreviations and Units
Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121
201.122
201.123
201.124
201.125
201.126

Existence of Permit No Defense
Proof of Emissions
Burden of Persuasion Regarding Exceptions
Annual Report
Severability
Repealer

SUBPART C: PROHIBITIONS

Section
201.141
201.142
201.143
201.144
201.146
201.147
201.148
201.149
201.150
201.151

Prohibition of Air Pollution
Construction Permit Required
Operating Permits for New Sources
Operating Permits for Existing Sources
Exemptions from Permit Requirement
Former Permits
Operation Without Compliance Program and Project Completion Schedule
Operation During Malfunction, Breakdown or Startups
Circumvention
Design of Effluent Exhaust Systems

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: PERMIT APPLICATIONS
AND REVIEW PROCESS

Section
201.152
201.153
201.154
201.155
201.156
201.157
201.158
201.159
201.160
201.161
201.162
201.163
201.164
201.165
~~201.207~~
~~201.209~~
~~201.210~~
~~201.211~~

Contents of Application for Construction Permit
Incomplete Applications
Signatures
Standards for Issuance
Conditions
Contents of Application for Operating Permit
Incomplete Applications
Signatures
Standards for Issuance
Conditions
Duration
Joint Construction and Operating Permits
Design Criteria
Hearings
201.166 Revocation
201.167 Revisions to Permits
201.168 Appeals from Conditions

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN
SMALLER SOURCES

Section
201.180
201.181
201.187

Applicability
Expiration and Renewal
Requirement for a Revised Permit

SUBPART F: RENEWAL, REVOCATION, REVISION AND APPEAL
PERMITS

Section
201.207
201.208
201.209
201.210
201.211
201.212

Applicability
Supplemental Information
Emissions of Hazardous Air Pollutants
Categories of Insignificant Activities or Emission Levels
Application for Classification as an Insignificant Activity
Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS
(Reserved)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section
201.241
201.242
201.243
201.244
201.245
201.246
201.247

Contents of Compliance Program
Contents of Project Completion Schedule
Standards for Approval
Revisions
Effects of Approval
Records and Reports
Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS
OR STARTUPS

Section
201.261

201.262

201.263
201.264

201.265

Contents of Request for Permission to Operate During a
Malfunction, Breakdown or Startup
Standards for Granting Permission to Operate During a
Malfunction, Breakdown or Startup
Records and Reports
Continued Operation or Startup Prior to Granting of
Operating Permit
Effect of Granting of Permission to Operate During a
Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
201.281
201.282
201.283

Permit Monitoring Equipment Requirements
Testing
Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
201.301
201.302

Records
Reports

SUBPART L: CONTINUOUS MONITORING

Section
201.401
201.402
201.403
201.404
201.405

Continuous Monitoring Requirements
Alternative Monitoring
Exempt Sources
Monitoring System Malfunction
Excess Emission Reporting

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates

AUTHORITY: Implementing Sections 10 and 39, and 39.5 and
authorized by Section 27 of the Environmental Protection Act
(Ill. Rev. Stat. 1991, ch. 111, pars. 1010, 1027, and 1039) [415
ILCS 5/10, 27, and 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General
Provisions, in R71-23, 4 PCB 191, filed and effective April 14,
1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg.
30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill.
Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg.
13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628,
effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066,
effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg.
19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill.
Reg. 17710, effective November 26, 1991; amended in R93-11 at 17
Ill. Reg. 21483, effective December 7, 1993; amended in R94-
at Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 201.101

Other Definitions

a) Except as hereinafter stated and unless a different
meaning of a term is clear from its context, the
definitions of terms used in 35 Ill. Adm. Code:
Subtitle B, Chapter I (Chapter), shall be the same as
those used in the Environmental Protection Act (Ill.
Rev. Stat. 1991, ch. 111, pars. 1001 et seq.) [415 ILCS
5/11(Act)].

b) All terms defined in 35 Ill. Adm. Code 211 which appear
in this Part have the definitions specified by 35 Ill.
Adm. Code 211.

(Source: Amended at 18 Ill. Reg. _____,
effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section ~~201.207~~201.166 Revocation

Violation of any of the conditions of a permit, or the failure to comply with any rule or regulation of this Chapter, shall be grounds for revocation of the permit, as well as for other sanctions provided in the Act. Such sanctions shall be sought by filing a complaint with the Board.

(Source: Section 201.166 renumbered from Section 201.207 at 18 Ill. Reg. _____, effective _____)

Section ~~201.209~~201.167 Revisions to Permits

The Agency may revise any permit issued pursuant to Subpart D or any condition contained in such permit, as follows:

- a) Upon reapplication by the permittee; or
- b) Upon the revision of the Act or this Chapter.

(Source: Section 201.167 renumbered from Section 201.209 at 18 Ill. Reg. _____, effective _____)

Section ~~201.210~~201.168 Appeals from Conditions

An applicant may consider any condition imposed by the Agency in a permit as a refusal by the Agency to grant a permit, which shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act (~~Ill. Rev. Stat. 1981, ch. 111 1/2 par. 1040~~) [415 ILCS 5/40].

(Source: Section 201.168 renumbered from Section 201.210 and amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: RENEWAL, REVOCATION, REVISION AND APPEAL CAAPP PERMITS

Section 201.207 Revocation Applicability

This Subpart shall apply only to sources subject to Section 39.5 of the Act. The requirements of Sections 201.143 through 201.148 of Subpart C, Sections 201.157 through 201.165 of Subpart D, and Subparts E, G, and H of this Part shall not apply to a source subject to the requirements of Section 39.5 of the Act.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Former Section 201.207 renumbered to Section 201.166, new Section 201.207 added at 18 Ill. Reg. _____, effective _____)

Section 201.208 Supplemental Information

Notwithstanding Sections 201.210, 201.211, and 201.212, an applicant for a CAAPP permit shall supplement its application with any information for an emission unit of the source that is needed to determine the applicability of any applicable requirement or to set forth in a permit any applicable requirement, when such information is requested by the Agency, pursuant to Section 39.5(5)(g) of the Act, or when the applicant becomes aware that such information has not been submitted or that incorrect information has been submitted, pursuant to 39.5(5)(i) of the Act.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 201.209 Emissions of Hazardous Air Pollutants

a) For the purposes of establishing whether an emission unit qualifies as an insignificant activity and providing emission data for an emission unit in a CAAPP application, an applicant may presume that an emission unit does not emit an air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act if:

- 1) Raw material, other than fuel, for the emission unit contains a concentration by weight of such pollutant that is equal to or less than the following:
 - A) 0.01 percent by weight for the following pollutants if more than 1 ton of the raw material are used annually: alkylated lead compounds, polycyclic organic matter, hexachloro benzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans, and 2,3,7,8-tetrachlorodibenzo-p-dioxin; or
 - B) 0.01 percent by weight for pollutants other than those in subsection (a)(1)(A) above if more than 1,000 tons of the raw material are used annually; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) 0.1 percent by weight for pollutants other than those addressed in subsection (a)(1)(A) or (B) above.
- 2) The fuel used in the emission unit does not qualify as a hazardous waste and the emission unit is not subject to an applicable requirement for the pollutant.
- b) Notwithstanding the above, pursuant to Section 39.5(5)(g) of the Act, the Agency may require an applicant to submit specific information for an emission unit concerning emissions of an air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act.

(Source: Former Section 201.209 renumbered to Section 201.167, new Section 201.209 added at 18 Ill. Reg. _____, effective _____)

Section 201.210 Categories of Insignificant Activities or Emission Levels

a) The owner or operator of a CAAPP source, pursuant to 35 Ill. Adm. Code 270, shall submit to the Agency within its CAAPP application a list of the following activities or emission levels:

- 1) Any emission unit determined to be an insignificant activity by the Agency pursuant to Section 201.211 of this Part:
- 2) Emission units with emissions that never exceed 0.1 lbs/hr of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act;
- 3) Emission units with emissions that never exceed 0.44 tons/year of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) Direct combustion units designed and used for comfort heating purposes and fuel combustion emission units as follows:
- A) Units with a rated heat input capacity of less than 2.5 mmBtu/hr that fire only natural gas, propane or liquified petroleum gas;
 - B) Units with a rated heat input capacity of less than 1.0 mmBtu/hr that fire only oil or oil in combination with only natural gas, propane, or liquified petroleum gas;
 - C) Units with a rated capacity of less than 200,000 btu/hr which never burn refuse, or treated or chemically contaminated wood;
- 5) Extruders used for the extrusion of metals, minerals, plastics, rubber, or wood, excluding extruders used in the manufacture of polymers, provided that volatile organic materials or class I or II substances subject to the requirements of Title VI of the Clean Air Act are not used as foaming agents or release agents or were not used as foaming agents in the case of extruders processing scrap material;
- 6) Furnaces used for melting metals other than beryllium with a brim full capacity of less than 450 cubic inches by volume;
- 7) Equipment used for the melting or application of less than 50,000 lbs/yr of wax to which no organic solvent has been added;
- 8) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions;
- 9) Equipment used for the mixing and blending of materials at ambient temperature to make water based adhesives provided each material contains less than 5% organic solvent by weight;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Storage tanks of organic liquids with a capacity of less than 10,000 gallons and an annual throughput of less than 100,000 gallons provided the tank is not used for the storage of gasoline or any listed as hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act;
- 11) Storage tanks of virgin or rerefined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils;
- 12) Die casting machines where a metal or plastic is formed under pressure in a die;
- 13) Coating operations (excluding powder, architectural and industrial maintenance coating) with aggregate VOM usage that never exceeds 15 lbs/day from all coating lines at the source, including VOM from coating, dilutents, and cleaning materials;
- 14) Printing operations with aggregate organic solvent usage that never exceeds 750 gallons per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions, and cleaning materials;
- 15) Gas turbines and stationary reciprocating internal combustion engines of less than 112 kW (150 horsepower) power output;
- 16) Gas turbines and stationary reciprocating internal combustion engines of between 118 and 112 kW (1500 and 150 horsepower) power output that are emergency or standby units;
- 17) Storage tanks of any size containing exclusively soaps, detergents, surfactants, waxes, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions provided an organic solvent has not been mixed with such materials; and
- 18) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials provided an organic

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- solvent has not been mixed with such materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions.
- b) The owner or operator of a CAAPP source is not required to individually list the following activities in a CAAPP application pursuant to 35 Ill. Adm. Code 270. The applicant shall denote whether any of the following activities are present at the source in its CAAPP application:
- 1) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
 - 2) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
 - 3) Equipment used for hydraulic or hydrostatic testing;
 - 4) General vehicle maintenance and servicing activities at the source, other than gasoline fuel handling;
 - 5) Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source;
 - 6) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing provided no organic solvent has been added to the water;
 - 7) Administrative activities including, but not limited to, paper shredding, copying, photographic activities, and blueprinting machines. This does not include incinerators;
 - 8) Laundry drivers, extractors, and tumblers processing clothing, bedding, and other fabric items used at the source that have been cleaned with water solutions of bleach or detergents provided that any organic solvent present in such

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

items before processing that is retained from clean-up operations shall be addressed as part of the VOM emissions from use of cleaning materials;

- 2) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
- 10) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- 11) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- 12) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
- 13) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- 14) Storage tanks of organic liquids with a capacity of less than 500 gallons, provided the tank is not used for storage of any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act;
- 15) Piping and storage systems for natural gas, propane, and liquefied petroleum gas;
- 16) Water treatment or storage systems, as follows:
 - A) Systems for potable water or boiler feedwater;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Systems, including cooling towers, for process water provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act;
- 17) Lawn care, landscape maintenance, and groundskeeping activities;
- 18) Containers, reservoirs, or tanks used exclusively in dipping operations to coat objects with oils, waxes, or greases, provided no organic solvent has been mixed with such materials;
- 19) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceed 2kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- 20) Manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding or turning;
- 21) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et. seq.), where the product is used at a source in the same manner as normal consumer use;
- 22) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- 23) Firefighting activities and training in preparation for fighting fires conducted at the source. (Note: Open burning permits may be required for certain training activities);
- 24) Internal combustion engine or boiler (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks, and other vehicles powered by nonroad engines;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 25) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- 26) Storage and handling of drums or other transportable containers where the containers are sealed during storage and handling;
- 27) Individual points of emission or activities as follows:
- A) Individual flanges, valves, pump seals, pressure relief valves and other individual components that have the potential for leaks;
 - B) Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions;
 - C) Individual features of an emission unit such as each burner and sootblowers in a boiler or each use of cleaning materials on a coating or printing line;
 - D) Individual equipment that is transportable or activities within a facility established for testing units prior to sale or distribution or for purposes of research; and
 - E) Individual equipment or activities within a pilot plant facility that is used for research or training;

(Note: Notwithstanding the foregoing, such points of emissions or activities shall be addressed in a CAAPP application in sufficient detail to identify applicable requirements and demonstrate compliance with such requirements. Emission data for such activities shall be addressed in the aggregate for each emission unit or group of related emission units.)

- 28) Activities at a source associated with the modification only or construction only of a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- facility, an emission unit or other equipment at the source; and
- (Note: Notwithstanding the status of this activity as insignificant, a particular activity that entails modification or construction of an emission unit or construction of air pollution control equipment may require a construction permit pursuant to Section 201.142 of this Part and may subsequently require a revised CAAPP permit. A revised CAAPP permit may also be necessary for operation of an emission unit after completion of a particular activity if the existing CAAPP permit does not accommodate the new state of the emission unit.)
- 29) Activities at a source associated with the maintenance, repair, or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for a subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup.

(Source: Former Section 201.210 renumbered to Section 201.168, new Section 201.210 added at 18 Ill. Reg. _____, effective _____.)

Section 201.211 Application for Classification as an Insignificant Activity

- a) An owner or operator of a CAAPP source may propose to the Agency in its CAAPP application that an emission unit at the source be treated as an insignificant activity consistent with Section 201.210 of this Part, provided the emission unit meets the following criteria and the owner or operator provides the information required in subsection (b) below regarding the emission unit:

- 1) The emission unit would not emit more than 1.0 lb/hr of any regulated air pollutant not listed as hazardous pursuant to Section 112(b) of the Clean

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Air Act in the absence of air pollution control equipment;

- 2) The emission unit would not emit more than 0.1 lb/hr of any regulated air pollutant that is listed as hazardous pursuant to Section 112(b) of the Clean Air Act in the absence of air pollution control equipment; and
- 3) The emission unit is not a process unit.

b) The owner or operator of such emission unit shall include the following information in its CAAPP application:

- 1) A description of the emission unit including the function and expected operating schedule of the unit;
- 2) A description of any air pollution control equipment or control measures associated with the emission unit;
- 3) The emissions of regulated air pollutants in lb/hr and ton/yr;
- 4) The means by which emissions were determined or estimated;
- 5) The estimated number of such emission units at the source; and
- 6) Other information upon which the applicant relies to support treatment of such emission unit as an insignificant activity.

c) The Agency shall determine whether such emission unit may be treated as an insignificant activity considering factors including, but not limited to, the following:

- 1) The amount and nature of emissions;
- 2) The basis by which emissions were determined;
- 3) The expected consistency and reliability of operation of the emission unit;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) The operating schedule or intended use of the emission unit;
- 5) The air pollution control equipment or control measures applied to the emission unit;
- 6) The nature of applicable requirements;
- 7) The environmental impact of such emission unit; and
- 8) The potential benefits to the environment if the emission unit were not treated as an insignificant activity.

d) Unless the Agency notifies the applicant in writing that the emission unit cannot be treated as an insignificant activity following the Agency's determination in subsection (c) above, the emission unit shall be deemed an insignificant activity for purposes of Section 201.210(a) of this Part. If the Agency determines that an emission unit cannot be treated as an insignificant activity pursuant to this Section, the Agency shall notify the owner or operator in writing and request that such owner or operator submit the information required in a CAAPP application pursuant to Agency procedures regarding the emission unit within a reasonable time frame. The owner or operator shall submit the requested information to the Agency within the time frame stated in the request.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

- a) The owner or operator of a CAAPP source is not required to notify the Agency of additional insignificant activities present at the source of a type that were previously listed in its CAAPP application pursuant to Section 201.210(a) or 201.211 of this Part, until its renewal CAAPP application is submitted.
- b) The owner or operator of a CAAPP source seeking to add a new insignificant activity of a type provided under Section 201.210(a) or 201.211 of this Part that was not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

previously listed in its CAAPP application must notify the Agency pursuant to Section 39.5(12)(b) of the Act.

- c) The owner or operator of a CAAPP source is not required to notify the Agency of additional insignificant activities present at the source of a type that were previously listed in its CAAPP application pursuant to Section 201.210(b) of this Part or any new insignificant activities of a type provided under Section 201.210(b) of this Part that were not previously listed in its CAAPP application, until its renewal CAAPP application is submitted.

(Source: Added at 18 Ill. Reg. _____,
effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- | | |
|------------------------------------|------------------------|
| 1) <u>The Heading of the Part:</u> | Educational Services |
| 2) <u>Code Citation:</u> | 89 Ill. Adm. Code 314 |
| 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 314.10 | New Section |
| 314.20 | New Section |
| 314.30 | New Section |
| 314.40 | New Section |
| 314.50 | New Section |
| 314.60 | New Section |
| 314.70 | New Section |
| 314.80 | New Section |
| 314.90 | New Section |
| 314.100 | New Section |
- 4) Statutory Authority: Implementing the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, pars. 5005, 5012, and 5012.1) [20 ILCS 505/5.12 and 12.1].
- 5) Effective Date of Rules: June 1, 1994
- 6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If so, please specify date: _____
- 7) Do these rule contain incorporations by reference? No
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? Not applicable
- 8) Date Filed in Agency's Principal Office: June 1, 1994
- 9) Notice(s) of Proposal Published in Illinois Register: 17 Ill. Reg. 17593 - October 15, 1993
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:
Section 314.20 Definitions
The definition of "Disability" was deleted in its entirety.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

In the definition of "Early Intervention (EI) Services," line 8 - "and" before "transition services" was deleted and "..., therapeutic day care, and respite services." was inserted at the end of the sentence.

A definition of "Exceptional Children" was added to read:

"Exceptional Children" means all children designated by 23 Ill. Adm. Code 226 as eligible for special educational programs and services pursuant to Article 14 of the School Code (Ill Rev. Stat. 1991, ch. 122, pars 14-1.01 et seq.) [ILCS 5/Art. 14].

The definition of "Individualized Education Plan/Program (IEP)," was revised to delete "...as a result of a multidisciplinary conference (MDC)..." and "...pursuant to 23 Ill. Adm. Code 226" was added.

The definition of "Initial Health Screening" was modified in part to state: "...within 24 hours after the commencement of temporary protective custody..."

The definition of "Multidisciplinary Conference (MDC)" was revised to read:

"Multidisciplinary Conference (MDC)" means a meeting of personnel from various disciplines, including but not limited to psychology, education, social work, health, etc., to determine a child's eligibility for special education services.

The definition of "Special Education" was revised to read:

"Special Education" means those instructional and resource programs and related services, unique materials, physical plant adjustments, and other special educational facilities described or implied in Article 14 of The School Code which, to meet the unique needs of exceptional children, modify, supplement, support, or are in place of the standard educational program of the public schools. The term includes speech pathology and vocational education when such are incorporated into the IEP."

Section 314.30 Education Policy

In subsection (g): "individualized" was deleted from the last line.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Section 314.50 Education Plan

Subsection (a) was modified in part to state: "...within 30 days after commencement of court-ordered temporary custody..."

Section 314.60 Special Education

In subsection (a), in the second sentence "services" was substituted for "programs."

Section 314.70 Pre-school Education

A new sentence was added to read:

"For purposes of this Part, pre-school education programs include early intervention services, pre-kindergarten programs for children at risk of academic failure (Pre-K), pre-school special education programs and Head Start."

References to 23 Ill. Adm. Code 226, Special Education, were added where appropriate.

The Authority Note, references to federal and state statutes, and other non-substantive changes were made by agreement with the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule(s) currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of adopted rules:

These rules detail policies and procedures to ensure that children for whom the Department is legally responsible receive a free, public education comparable to that provided to children not in the care of the Department. The rules include provisions related to educational assessment and planning; authorizations for school activity; tutoring, early intervention and special education services. These rules are adopted pursuant to a requirement of a consent decree entered into by the Department in December, 1991 in a case known as B.H. vs Suter.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 16) Information and questions regarding adopted rules shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe
 Springfield, Illinois 62701-1498
Telephone: 217/524-1983

- 17) The full text of the adopted rules begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY
 PART 314

EDUCATIONAL SERVICES

Section	Purpose
314.10	Definitions
314.20	Education Policy
314.30	Educational Assessment
314.40	Education Plan
314.50	Special Education
314.60	Pre-school Education
314.70	School Records
314.80	Administrative Case Reviews
314.90	Education Expenses
314.100	

AUTHORITY: Implementing the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, pars. 5005, 5012 and 5012.1) [20 ILCS 505/5, 12 and 12.1].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____, JUN 0 1 1994.

Section 314.10 Purpose

Under federal and State laws, children are entitled to a free, public education appropriate to their needs. Those unable to benefit from the education experience without additional supports are entitled to special education services. These rights extend to all children, including those for whom the Department of Children and Family Services is legally responsible. The purpose of these rules is to identify the regular education, special education, and preschool education services which must be provided to children for whom the Department is legally responsible.

Section 314.20 Definitions

"Case Study Evaluation" means the assessment activities performed by the responsible public school district in accordance with 23 Ill. Adm. Code 226, Special Education, to determine a child's eligibility for special education services.

"Department" means the Illinois Department of Children and Family Services.

"Early Intervention (EI) Services" means those developmental/educational, social, and health services provided to developmentally delayed infants and toddlers (0 to 3 years of age) designed to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

maximize their development and eventual independence. Early intervention services include, but are not limited to: speech and language services, occupational therapy, physical therapy, social work, case management, medical/health services, psychological services, transition services, therapeutic day care, and respite services. Early intervention programs may serve children who are developmentally delayed, have conditions that typically result in delay, or are at risk of substantial developmental delay.

"Education Assessment" means an ongoing process by which a caseworker reviews the child's education history and identifies current educational needs for further assessment by a public school district or early intervention program.

"Exceptional Children" means all children designated by 23 Ill. Adm. Code 226 as eligible for special education programs and services pursuant to Article 14 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 14-1.01 et seq.) [105 ILCS 5/Art. 14].

"General Education Development or GED Programs" means those programs provided by school districts and community colleges to prepare students for a high school equivalency certificate.

"ISBE" means the Illinois State Board of Education.

"Individualized Education Plan/Program (IEP)" means the document prepared by the public school district pursuant to 23 Ill. Adm. Code 226 which identifies the specific special education services, class placement, and related services that will be provided to a child. The IEP also includes education goals and service frequency, quantity and duration. The services delineated in the child's IEP are based on the results of the multidisciplinary conferences conducted by the public school district.

"Initial Health Screening" means a screening conducted by a physician or other provider qualified under Illinois law to furnish primary medical and health services. The initial health screening shall be completed within 24 hours after the commencement of temporary protective custody and shall be of sufficient scope to permit the Department to ascertain enough about the current health of the child to identify:

any health needs requiring immediate attention, and
any health information needed to make an informed placement decision.

"Multidisciplinary Conference (MDC)" means a meeting of personnel from various disciplines, including but not limited to psychology, education, social work, health, etc., to determine a child's eligibility for special education services.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

"Pre-kindergarten Programs for Children at Risk of Academic Failure (Pre-K)" means discretionary, developmentally appropriate, education programs provided by school districts to children ages 3 to 5 who do not qualify for early childhood special education, but who are at risk of academic failure. Pre-kindergarten program components include: screening, education, parental involvement and evaluation.

"Special Education" means those instructional and resource programs and related services, unique materials, physical plant adjustments, and other special educational facilities described or implied in Article 14 of the School Code which, to meet the unique needs of exceptional children, modify, supplement, support, or are in place of the standard educational program of the public schools. The term includes speech pathology and vocational education when such are incorporated into the IEP.

"Surrogate Parent" means a person (generally the foster parent or relative caretaker) appointed by the Illinois State Board of Education to serve as the ward's educational advocate in accordance with 23 Ill. Adm. Code 226. The surrogate parent has the authority to sign the request for case study evaluation, consent for the case study evaluation, initial educational placement, and educational reevaluations for Department wards. The surrogate parent is also the person authorized to access the Illinois State Board of Education due process system for children for whom the Department is legally responsible.

"Tutoring Services" means child specific, one-on-one or group instructional services designed to support and supplement the child's educational growth and development. These services are generally provided to address some type of academic problem (i.e., failing grade(s), class deficiency report(s), behind in grade level).

Section 314.30 Education Policy.

- a) The Department shall make reasonable efforts to ensure that all children in Department custody are enrolled in school within two school days after being taken into custody, or being moved to a new placement requiring a change in schools. In no event will any child remain unenrolled by the Department for more than five school days. These reasonable efforts shall include, but are not limited to: requesting school records from previous schools, assisting the caretaker in the enrollment process, and arranging for transportation.
- b) The Department shall make a determination as to whether it is in the best interest of the child to continue enrollment in the current school, even though the child has been moved to a placement outside of the school district. If the child is enrolled in a special education program, the Department shall ask the current school to convene immediately an IEP conference to determine whether the child should

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

continue in the current school. If it is determined that the child should remain in the current school, the Department will advocate with the appropriate school district or other appropriate governmental entity for the provision of transportation to maintain such a ward in his/her current school. Where a change of school would cause serious educational or emotional harm to the child, the Department shall assure the provision of transportation to maintain the child in his or her school.

- c) Foster parents or other caregivers shall be responsible for giving consents for the following school related activities: field trips within the State of Illinois, routine social events, school enrollment, sporting events, and cultural events. For other situations that arise which require a consent from a child's parent or guardian, the Department shall be contacted. For situations relating to special education services, the Department and the surrogate parent must be contacted. Surrogate parents appointed by Illinois State Board of Education are the only persons authorized to provide consent to special education services.

- d) Children for whom the Department is legally responsible who are eligible for special education services are entitled to receive the protections, services, and due process provided under State and federal laws. The Department shall make all reasonable efforts to ensure that such children are classified as eligible for special education services only in accordance with mandated case study evaluation practices provided under State and federal law (23 Ill. Adm. Code 226, Special Education, and 20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act).

- e) Children for whom the Department is legally responsible shall not be deprived of planned family or sibling visitation or other family contact as punishment for school performance or for conduct at school.
- f) Children for whom the Department is legally responsible shall not be enrolled in GED programs in lieu of enrollment in a regular secondary school program.

- g) Tutoring services shall not be used in lieu of school attendance except where indicated by an exercise of judgement by an educational, psychological, developmental or medical professional and documented in the child's education plan.

Section 314.40 Educational Assessment

- a) The Department will provide an educational assessment for all children entering Department custody. This assessment, part of the comprehensive assessment, shall be completed sufficiently in advance of the case plan to incorporate the contents of the assessment into the case plan. If an equivalent evaluation is being used, the written results of this assessment may be received after preparation of the case plan, but in no event more than 60 days after DCFS receives court-ordered temporary custody. The educational assessment shall include the following minimum components:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 1) identification of the child's current school and grade level;
- 2) the child's educational history (including a determination if the child has in the past, or is currently, receiving any early intervention, pre-kindergarten, or special education services);
- 3) an identification of educational goals, educational needs, identifiable educational problem(s), and the need for a case study evaluation; and
- 4) a review of the child's medical history and medical screening report, including results of initial vision and hearing screening.
- b) The educational assessment shall include any additional testing, evaluations, or screenings that may be appropriate, provided, however, that any special education needs shall be assessed and met in conformity with applicable State and federal law (23 Ill. Adm. Code 226, Special Education, and 20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act).

Section 314.50 Education Plan

- a) The Department shall prepare an education plan (as part of the client service plan) for each child in custody. The education plan shall assure that a child, while in Department custody, receives a public education of a kind and quality comparable to the public education provided to children not in Department custody. The education plan shall be completed within 30 days after commencement of court-ordered temporary custody.

- b) If a child three or over is not currently enrolled in school, the plan shall provide for when and how the child will be enrolled, and how the child's educational needs will be met prior to such enrollment. Children should be enrolled within two days after entering Department custody or being moved to a new placement requiring a change in schools. In no event will any child remain unenrolled by the Department for more than five school days.

- c) The education plan shall contain the following minimum information:

- 1) Identification of the school in which the child is enrolled;
- 2) How each specific educational problem, need, or goal (as identified in the educational assessment) will be addressed; and
- 3) What, if any, services or other supports will be needed, and how such services or supports will be provided.
- d) The education plan shall be re-evaluated every six months in conjunction with the client service plan.

Section 314.60 Special Education

- a) Children for whom the Department is legally responsible will be classified as eligible for special education services only in accordance with mandated case study evaluation practices and multidisciplinary conferences provided under State and federal law. Furthermore, no child should be considered or determined eligible for

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

special education services solely on the basis of his or her placement or other living arrangement, or the fact that he or she is in the custody or guardianship of the Department of Children and Family Services.

- b) Children for whom the Department is legally responsible who are eligible for or receiving special education services are entitled to have a surrogate parent appointed for them by the Illinois State Board of Education (ISBE) to serve as their educational advocate in accordance with 23 Ill. Adm. Code 226.

Section 314.70 Pre-school Education

The Department will ensure that children for whom the Department is legally responsible receive the same access to pre-school education programs as would be available to eligible children not in the custody of the Department. In meeting this obligation, the Department shall make all reasonable efforts to enroll all wards meeting the enrollment criteria of individual pre-school education programs available at no cost or at nominal cost to the Department. For purposes of this Part, pre-school education programs include early intervention services, pre-kindergarten programs for children at risk of academic failure (Pre-K), pre-school education programs and Head Start.

Section 314.80 School Records

Individual child case records shall contain current information concerning the child's school and progress in school, educational history, basic educational screening, and copies of the child's individualized educational plans. The Department shall ensure that a current immunization record is contained in the case record or health passport for each child, and will ensure that a current immunization record is promptly available to personnel responsible for enrolling the child in school.

Section 314.90 Administrative Case Reviews

- a) The initial administrative case review conducted pursuant to 89 Ill. Adm. Code 305, Client Service Planning, shall include the following:
 - 1) a determination as to whether an education plan has been developed for the child;
 - 2) a determination as to whether the child is currently enrolled in school;
 - 3) if the child is not currently enrolled in school, a determination whether there is adequate documentation of the reasons why the child was not enrolled in school and what other plans have been made to ensure that the child receives an appropriate education; and
 - 4) a determination whether the educational screening required by this Part has been completed.
- b) At each subsequent administrative case review, the following items shall be considered:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 1) the current educational status of the child, including the progress made on the education plan;
- 2) any information received from the teacher(s) for the child with regard to the child's current educational status;
- 3) identification of educational concerns and the need for support services.

Section 314.100 Education Expenses

The Department shall ensure the provision of education related services outside the mandated responsibility of public school districts or the Illinois State Board of Education. Foster parents shall not bear the financial burden of any charges associated with a child's education.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers: Adopted Action:
300.130 Amendment
300.160 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23. pars. 2051 et. seq.
(325 ILCS 5/1)
- 5) Effective Date of Amendments: May 31, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: May 31, 1994
- 9) Notice of Proposal Published in Illinois Register:
October 22, 1993 17 Ill. Reg. 18271
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference between proposal and final version:
Authority Note - "[325 ILCS 5/1]" was changed to "[325 ILCS 5]"; the name of "AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling of minors" was changed to "the Consent by Minors to Medical Procedures Act".
Section 300.130(d) - commas were added after "notify" and "writing" in the first line; in addition, the first sentence was modified to state in part "... Section 13 of the Personnel Record Review Act (Ill. Rev. Stat. 1991, ch. 48, par. 2013) [320 ILCS 40/13]..."
Section 300.130(e) and (e)(2) - semicolons were changed to colons.
Section 300.130(e)(1)(C), (e)(2)(A) and (B) - "The" was changed to "the"; also in (B) "Department was changed to "Department's"

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Section 300.160(c)(4) and (5) - "[105 ILCS 5/1-1]" was changed to "[105 ILCS 5]".
- Section 300.160(c)(7)(B) - commas were added after "employee" and "finding".
- Section 300.160(c)(8)(B)(ii) - the comma at the end of the section was changed to a semicolon.
- Section 300.160(c)(8)(C)(iii) - the period at the end of the section was changed to a semicolon.
- Section 300.160(c)(7)(B), (c)(8), (c)(8)(B) and (C), (c)(10) and (11) - the semicolons were changed to colons.
- Section 300.160(c)(4), (c)(5) and (c)(14) - "The" was changed to "the".
- Section 300.160(c)(12) - "child's" was capitalized.
- Section 300.160(c)(14) - "[325 ILCS 517.16]" was changed to "[325 ILCS 5/17.16]".
- Section 300.160(d) - "designed" was changed to "designee".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these proposed amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of These Adopted Amendments: Section 300.130 is amended by expanding the notification requirements when child abuse and neglect reports involve children who are already in Department custody. Section 300.160 has been amended to allow school employees to confront accusers who are 14 years of age or older, subject to the discretion of the Department.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Name:

Jacqueline Nottingham, Chief

Address:Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station # 222
Springfield, Illinois 62701-1498Telephone: (217) 524-1983TTY: (217) 524-371517) The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2051 et seq.) [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act (Ill. Rev. Stat. 1991, ch. 111, par. 4503) [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.120, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum 150 days; amended at 18 Ill. Reg. ---, effective MAY 31 1994.

Section 300.130 Notices Whether Child Abuse or Neglect Occurred

a) Written Notices of Decision

The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.

b) Mandated Reporters

1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides an explanation of how further information on an indicated report may be secured. Department staff will notify them in writing:

- A) whether the child was the subject of a report of abuse or neglect;
- B) whether the report was indicated or unfounded;
- C) whether the Department took temporary protective custody.

2) Requests for additional information must be directed, in writing, to the State Central Register and must include:

- A) the identity of the requestor;
- B) the subject(s) name for whom the record is requested;
- C) a notary public's attestation as to the identity of the requestor;
- D) the purpose of the request.

3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:

- A) whether a Department case has been opened for the family or children; and
- B) what Department services are being provided to the family or children.

4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.

c) Custodial Parents, Personal Guardians, Legal Custodians, and Alleged Perpetrators

1) Custodial and non-custodial parents, personal guardians, or legal custodians of child subjects; and alleged perpetrators shall receive notification within 5 calendar days after the report has been indicated or unfounded which indicate that the allegations were either:

- A) unfounded, and that all identifying information in the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

computer and local index files will be destroyed unless the subjects request that they be retained; or

B) indicated, and all Department records will be maintained intact.

2) In addition, written notices shall explain that:

- A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
- B) the subjects of the report have the right to request a review of the determination that the report was indicated including the decision to maintain a record of the report in the Department's computer and local index files. 49 Ill. Adm. Code 369.336, Appeal of Child Abuse and Neglect Investigation Findings, fully explains the Department's review and appeal process; and
- C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be retained in the Department's computer and local index files, if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

Other Parties

d) The Department shall notify non-custodial parents of involved child subjects only when the child abuse or neglect report is indicated and the parents whereabouts are known. The Department shall also notify the juvenile court when a report involving state wards is indicated. If services are being provided, the notice shall also give the name and location of the Department office that is serving the children. The Department shall also notify those supervisors or administrators referenced in Section 360.160 of this Part whether the report was indicated or unfounded.

The Department shall notify, in writing, those supervisors or administrators referenced in Section 300.100(1) of this Part whether a report involving the person(s) they supervise was indicated or unfounded, and, if unfounded, that Section 13 of the Personnel Record Review Act (Ill. Rev. Stat. 1991, ch. 48, par. 2013) 820 ILCS 40/13 requires that any record of the investigation must be expunged from the employee's personnel records. The Department shall also notify the employee, in writing, that notification has been sent to the employer informing the employer that the Department's investigation has resulted in an unfounded report. The notice to the employee shall also contain a statement of the employee's right to take the notice to the employer to have any record of the investigation expunged from the employee's record.

e) Child Abuse and Neglect Reports on Children in Department Custody

1) When a child is reported to the Department as being abused or neglected while in placement, the Department shall promptly notify the following persons when an investigation has been initiated and when the report has been indicated or unfounded:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- A) the parent(s) of the alleged victim;
 B) all Department caseworkers or case managers responsible for the alleged victim and for any other children in the same foster home or relative home placement;
 C) the Department's Bureau of Quality Assurance which shall be responsible for evaluating the investigation and the disposition of the report.
- 2) The Department shall notify the following when a report involving a child in Department custody is indicated:
 A) the Juvenile Court. If services are being provided by the Department or its providers, the notice shall also give the name and location of the Department office serving the children;
 B) the Department's administrative case reviewer responsible for reviewing the case plans of the children involved.
- 3) The Department shall transmit a copy of the report to the guardian ad litem appointed under the Juvenile Court Act of 1987 when a report has been indicated, unfounded, or undetermined and the minor who is the subject of the report is also the minor for whom the guardian ad litem has been appointed.

(Source: Amended at 18 Ill. Reg. _____, effective _____)
 MAY 31 1994

Section 300.160 Special Types of Reports

Four types of child abuse or neglect reports shall receive special attention as specified below:

- a) Incident Involving the Death of a Child
 The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall require a copy of the completed autopsy report from the coroner or medical examiner.
- b) Reports Involving Child Care Facilities
 Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal investigation.
- c) Reports Involving Schools

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:
 1) to the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.

- 2) conduct investigations involving other school employees in such a way as to minimize disruption of the school day.
- 3) make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.
- 4) when a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the School Code (Ill. Rev. Stat. 1987 1991, ch. 122, pars. 1-1 et seq.) [105 ILCS 5].
- 5) advise school officials that they may, in accordance with the School Code (Ill. Rev. Stat. 1987 1991, ch. 122, pars. 1-1 et seq.) [105 ILCS 5], withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.
- 6) advise school employees accused of child abuse or neglect of their due process rights, of the steps in the investigative process, and that they may have their superior, association or union representative, and attorney present at any interview or meeting at which the school employee is present.
- 7) Prior to indicating a report involving a school employee, the Department will take the following steps:
 A) send the employee a copy of the investigative file with identifying information deleted. Any materials and evidence submitted to the Department subsequent to sending the employee a copy of the investigative file shall be sent to the employee upon receipt by the Department;
 B) allow the school employee, prior to the final finding, an opportunity to:
 i) present evidence to the contrary regarding the report; and
 ii) request an informal conference at which the employee may present the additional evidence and/or, subject to the discretion of the Department, confront the accuser, provided the accuser is 14 years of age or older.
- 8) If an informal conference is requested, the Department shall schedule the conference after receipt by the employee of the copy

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

of the investigative file, and shall:

- A) conduct the conference in a neutral setting away from the school grounds during hours when school is not in session, unless requested otherwise by the school employee;
- B) notify the following persons of the conference, if the purpose of the conference is merely to submit additional evidence:

- i) the school employee and representative(s);
- ii) Department representatives including the investigative worker;

- C) notify the following additional persons if the employee wishes to confront the accuser and the Department has approved such a confrontation:

- i) the accuser, provided the accuser is 14 years of age or older, and the accuser's parent(s), guardian and/or representative of a Child Advocacy Center, when involved in the case. (The accuser is the person who has made the allegation of abuse or neglect. The accuser is not necessarily the same as the reporter.)
- ii) representatives of the State's Attorney's Office or law enforcement agency in the county where the alleged incident occurred, when the State's Attorney's Office or law enforcement agency are currently involved in the investigation and/or are considering filing criminal charges in the case.

- iii) persons identified by the employee who have information relevant to the report, who will be included in only those portions of the conference pertaining to their testimony;

- D) following the conference, allow the school employee at least five calendar days to present additional evidence to the Department;

- E) make a final determination with regard to the report in accordance with Section 300.110 of this Part.

- 9) No such conference will be allowed when there is a criminal investigation pending and the Department has been advised by law enforcement authorities or the State's Attorney not to allow a face-to-face confrontation between the accused and the accuser.

- 10) When determining whether to allow the school employee to confront an accuser who is 14 years or older, the Department shall take the following into consideration:

- A) whether, due to the nature of the allegation, a confrontation with the accused school employee would cause excessive trauma to the child, and

- B) whether the child has a documented history of mental, emotional or developmental problems.

- 11) The Department shall inform the child and the child's parent(s) in writing prior to the conference and orally at the conference that:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- A) they may decline to attend or proceed with the conference, and
- B) if they do attend, they may refuse to answer any questions posed, and
- C) if the child attends, he or she has the right to have an attorney or other person representing his or her interests present at the conference, in addition to his or her parent(s) or guardian.

- 12) Child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unfounding an otherwise credible report.

- 13) All proceedings shall be confidential and no statement, summary, transcript, recording or other investigative product shall be released except on written order of the court, or in compliance with the confidentiality provisions of the Abused and Neglected Child Reporting Act. Violations of these provisions is a Class A Misdemeanor (Ill. Rev. Stat. 1991, ch. 23, par. 206.1) [325 ILCS 5/11.11].

- 14) Whether or not an informal conference has been conducted, the school employee retains all other appeal rights provided in the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.16) [325 ILCS 5/7.16] and 89 Ill. Adm. Code 336, Appeal of Child Abuse and Neglect Investigation Findings.

- d) Reports Involving State Facilities and State Employees Acting in Their Official Capacity
When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the Director of the Department or designee. The Director or designee will transmit the details of the report to the Division of Internal Investigation, Illinois Department of State Police.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 3 1994)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Illinois Promotion Act Programs

2) Code Citation: 14 Ill. Adm. Code 510

3) Section Numbers: Adopted Action:

510.210	New Section
510.220	New Section
510.230	New Section
510.240	New Section
510.250	New Section
510.260	New Section
510.270	New Section
510.275	New Section
510.280	New Section
510.285	New Section
510.290	New Section

4) Statutory Authority: Implementing and authorized by Ill. Rev. Stat. 1991, ch. 127, par. 200-21 et seq. [20 ILCS 665/1 et seq.].

5) Effective Date of Amendments: MAY 23 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: May 11, 1994.

9) Notice of Proposal Published in Illinois Register: December 27, 1993 (17 Ill. Reg. 21905).

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: The following changes were made in response to comments received from the Chicago Convention and Tourism Bureau, Inc. and the Illinois Travel and Tourism Council:

Section 510.285(a)(2) was revised to allow in-kind contributions as eligible match funds not to exceed 25 percent of the match requirement.

Section 510.230 was changed to reflect that funding to retain Illinois tourism events will not be eligible for funding unless the state is in danger of losing the event out-of-state.

Section 510.260(a)(1) was changed to establish the first grant cycle as June 1 with an August 1 award date.

New language was added to Section 510.280(c) to clarify when grant funds will be awarded and utilized in the event two Illinois entities

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

bid on the same event.

In addition, numerous changes were made as recommended by the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? Yes.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: These rule changes will allow Private Sector Grant recipients to use in-kind contributions as 25 percent of their match funds, clarify that grant funds are to be utilized to attract and host new events, establish the first grant cycle as June 1 with an August 1 award date, and clarify when grant funds will be awarded and utilized in the event two Illinois entities bid on the same event. The amendments make the rules consistent with the legislation.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 5th Floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: TOURISM MATCHING GRANT PROGRAM

Section
510.10
510.20
510.30
510.40
510.50
510.60
510.70
510.80
510.85
510.90
510.100

Authority
Definitions
Computation of Time
Allocation of Appropriations to Applicants
Form of Application
Application Procedures
Department Review Procedures
Agreement
Administrative Requirements
Provision for Amendment to This Part
Severability

SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

Section
510.110
510.120
510.130
510.140
510.150
510.160
510.170
510.175
510.180
510.185
510.190
510.195
510.200
510.205

Purpose
Definitions
Eligible Uses of Loan and Grant Funds
Eligible Applicants
Funding Limitation
Application Cycle
Evaluation Process
Selection for Funding
Leverage
Allocation of Appropriations
Administrative Requirements for Loans
Administrative Requirements for Grants
Administrative Requirements for Loans and Grants

SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section
510.210
510.220
510.230
510.240
510.250
510.260

Purpose
Definitions
Eligible Uses of Grant Funds
Eligible Applicants
Funding Limitation
Application Cycle

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

510.270 Application Documentation
510.275 Evaluation Process
510.280 Selection for Funding
510.285 Matching Funds
510.290 Administrative Requirements for Grants

AUTHORITY: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1991, ch. 127, pars. 200-21 et seq.) [20 ILCS 665] (see Public Act 88-465).

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. _____, effective MAY 23 1994.

SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section 510.210 Purpose

Section 5 of the Illinois Promotion Act (Act) [20 ILCS 665] authorizes the Department of Commerce and Community Affairs to make grants to match funds from sources in the private sector. The intent of this program is to attract and host regional, national or international events which produce an economic impact for the State of Illinois.

(Source: Added at 18 Ill. Reg. _____, effective MAY 23 1994.)

Section 510.220 Definitions

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Economic Impact" means the direct financial result of an event such as visitor attendance (local and out-of-area), number of room nights utilized, and length of stay.

"Event" means a convention, trade show, or major sporting activity.

"Local promotion group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois. [20 ILCS 665/3(b)]

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

"Municipality" means "municipality" as defined in Section 1-1-2 (1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Private Sector" means any non-governmental entity.

"Program" means the Tourism Private Sector Grant Program.

"Project" means an activity or activities funded by the Tourism Private Sector Grant Program.

"Recipient" means a Local Promotion Group, For-Profit Entity, county or municipality that has been awarded a Private Sector grant under this part.

(Source: MAY 23 1994 at 18 Ill. Reg. _____, effective _____)

Section 510.230 Eligible Uses of Grant Funds

a) Eligible Projects and Activities - Activities eligible for funding include, but are not limited to, costs associated with attracting and hosting new events such as advertising, marketing, transportation, housing, incentives, building rental, receptions, banquets, registrations, entertainment, speakers, programming, photography, postage, printing, audio-visual, telemarketing, promotional items, and temporary staff. Costs associated with the retention of annual Illinois events will not be eligible unless documentation can be provided that the state is in danger of losing this event out-of-state.

b) Ineligible Projects and Activities - Activities that are ineligible for funding include, but are not limited to, developing facilities, purchase of equipment, normal operating expenses and purchase of alcoholic beverages.

(Source: MAY 23 1994 at 18 Ill. Reg. _____, effective _____)

Section 510.240 Eligible Applicants

For-profit entities, counties, municipalities and local promotion groups may apply for Private Sector grants.

(Source: MAY 23 1994 at 18 Ill. Reg. _____, effective _____)

Section 510.250 Funding Limitation

The Department shall provide no more than 50 percent of the entire amount of eligible expenditures for a single project. Total eligible project costs must

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

be a minimum of \$50,000.

(Source: MAY 23 1994 at 18 Ill. Reg. _____, effective _____)

Section 510.260 Application Cycle

a) The Department shall supply interested entities with an application package upon request.

1) Applications under this program must be received by June 1 in order to be considered for the August 1 grant award period. Applications received after this date and prior to December 1 will be considered during the second grant award period of February 1 if funds are still available.

2) During Fiscal Year 1994, the application deadline for the first grant cycle will be January 1, 1994. The application deadline for the second grant cycle will be March 15, 1994.

b) Applications will be accepted at the following addresses:

1) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701; or
2) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, James R. Thompson Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.

c) Applications shall be in writing and on the current approved forms provided by the Department.

d) An application shall be submitted as one (1) original and three (3) copies.

(Source: MAY 23 1994 at 18 Ill. Reg. _____, effective _____)

Section 510.270 Application Documentation

All applicants shall include documentation of the following:

a) Description of the Project - a summary description of the project.
b) History - a brief history of the applicant, including its legal organization, i.e., articles of incorporation, if incorporated as a not-for-profit or for-profit entity or statutory authority as a governmental entity and approval of the project by the appropriate entity.

c) Use of Funds - a detailed business plan of the use of the grant funds, which includes a detailed line-item budget. Indicate whether grant funds are for attracting or hosting an event.

d) Results - a statement of the expected outcome and benefits to the State as a result of this project in terms of economic impact. Preference will be given to projects which demonstrate the greatest potential for increasing hotel/motel occupancy and travel into and throughout the State of Illinois stimulating the economic growth of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

the tourism industry. The applicant must provide the Department with detailed economic impact.

- e) Project Implementation Schedule - a list of the timelines for major project milestones and/or activities including the start and end date of each activity.

- f) Letters of Commitment - documentation of all sources of private sector match.

(Source: Added at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 510.275 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. Fourteen days will be provided by this time, application will be returned null and void. Department staff shall conduct an evaluation of each application and make recommendations of applications to be considered for funding to an external review committee.

- a) The external review committee shall be comprised of the following officers of the Illinois Travel and Tourism Council: Chairman, President, Executive Director, Vice President/Upstate, Vice President/Townstate, Vice President/At Large, Secretary, Treasurer, as well as the Department of Commerce and Community Affairs/Deputy Director of Tourism.

- b) The external review committee will review and evaluate the applications recommended by the Department and make recommendations for grant funding to the Financial Commitment Committee of the Department for approval or rejection by the Department Director.

(Source: Added at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 510.280 Selection for Funding

- a) Applicants which best meet the objectives of the program and demonstrate the greatest potential to produce economic impact shall receive grant funds until all available funds are expended by the Department.

- b) Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.

- c) If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of such event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

for the hosting of such event.

(Source: Added at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 510.285 Matching Funds

The applicant shall leverage additional financial resources for the project over and above funding provided by the Department in an amount not less than 100 percent of the grant award and no less than \$25,000.

- a) Allowable match includes:
- 1) Private Sector Funds - Grant Funds must be matched with dollar-for-dollar cash funding from the private sector.
 - 2) In-kind contributions upon which the value is easily documentable such as hotel services and transportation company services not to exceed 25 percent (25%) of the match.
- b) Unallowable match includes:
- 1) Costs incurred or funds expended prior to the date of grant award.
 - 2) Funds from other Department financial programs (although they may be used to further the project).
 - 3) Post project costs such as normal operational expenses.
 - 4) Funds from sources other than the private sector.
 - 5) Funds used as match for other grant programs.

(Source: Added at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 510.290 Administrative Requirements for Grants

- a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination Due to Loss of Funding - In the absence of state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

- 2) Termination for Cause

- A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to, the following: consistent

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

B) The Department shall notify the Recipient in writing within ten (10) working days after the determination to terminate of the reasons for such termination and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.

3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancelable obligations, properly incurred by the Recipient prior to termination.

b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for three (3) years after the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for three (3) years from the final payment under the contract. The term "contract" as used in this clause excludes purchase orders not exceeding \$2,500.

d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

e) Audits - The Recipient shall be responsible for securing any compliance audit required of grant records. Such audit shall be performed by an independent certified public accountant, licensed by the authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).

f) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.

g) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant from the Department.

h) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

i) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5].

j) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA), September 19, 1987 (no later amendments or editions included) to maintain control and accountability over grant funds.

k) Integration Clause - This agreement constitutes the final and entire agreement between the parties, and supersedes all prior written agreements and any prior or contemporaneous oral understandings regarding the subject matter hereof.

l) Severability Clause - If any provision under the grant agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.

m) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.

n) State Not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by recipients or by their agents or employees under this agreement. The Department by entering into

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pay any compensation to the grant recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.

o) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incidents thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.

p) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant agreement.

q) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant agreement.

r) Certifications - The Recipient shall certify that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act [30 ILCS 505/10.1]. The Recipient shall certify that it has not been barred from contracting with a unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.

s) Reports - Recipients shall submit, as required by the Department, reports on the financial status of the project and narrative reports on outcomes and results.

(Source: Added at 18 Ill. Reg. _____, effective
MAY 23 1994)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Public Infrastructure Loan and Grant Programs

2) Code Citation: 14 Ill. Adm. Code 610

Section Numbers:	Adopted Action:
610.10	Amendment
610.30	Amendment
610.50	Amendment
610.60	Amendment
610.100	New Section
610.200	New Section
610.300	New Section
610.400	New Section
610.500	New Section
610.600	New Section
610.700	New Section
610.800	New Section
610.900	New Section

4) Statutory Authority: Implementing and authorized by Ill. Rev. Stat. 1991, ch. 127, par. 2708-1 et seq. [30 ILCS 750/8-2-2].

5) Effective Date of Amendments: MAY 23 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: May 11, 1994.

9) Notice of Proposal Published in Illinois Register: November 12, 1994 (17 Ill. Reg. 19352).

10) Has JCARE issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: The following changes were made in response to comments received from the Illinois Primary Health Care Association (IPHCA):

In Section 610.200 (Definitions), separate definitions were included for "Medical Facility" and "Public Health Clinic" instead of a combined definition of the two terms. In addition, a new definition for "Affordable Financing" was added to the rule.

Section 610.300(a)(1), the rule was amended as suggested by the IPHCA.

Section 610.300(f) was amended to allow more administrative leeway which can accommodate the interests of non-profits.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 610
BUSINESS-PUBLIC INFRASTRUCTURE LOAN AND GRANT PROGRAM PROGRAMS

SUBPART A: BUSINESS DEVELOPMENT PUBLIC INFRASTRUCTURE
LOAN AND GRANT PROGRAM

Section	Program Purpose
610.10	Application Cycle
610.20	Application Documentation
610.25	Evaluation Process
610.30	Selection for Funding
610.40	Funding Limitations
610.50	Administrative Requirements
610.60	

SUBPART B: AFFORDABLE FINANCING OF PUBLIC INFRASTRUCTURE
LOAN AND GRANT PROGRAM

Section	Program Purpose
610.100	Definitions
610.200	Cooperative Agreements with State Intermediaries
610.300	Direct Grants and Loans
610.400	Application Cycle and Criteria for Grants and Loans
610.500	Evaluation Process
610.600	Selection for Funding for Direct Grants and Loans
610.700	Funding Limitations
610.800	Administrative Requirements
610.900	

AUTHORITY: Implementing and authorized by the Public Infrastructure Loan and Grant Program Act (Ill. Rev. Stat. 1991, ch. 127, pars. 2708-1 et seq.) (30 ILCS 750/Art. 8) (see Public Act 88-453).

SOURCE: Emergency rule adopted at 9 Ill. Reg. 14362, effective September 1, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 3359, effective January 28, 1986; amended at 10 Ill. Reg. 19395, effective October 31, 1995; amended at 14 Ill. Reg. 19164, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 19676, effective October 25, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective MAY 24, 2000.

SUBPART A: BUSINESS DEVELOPMENT PUBLIC INFRASTRUCTURE
LOAN AND GRANT PROGRAM

Section 610.10 Program Purpose

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
NOTICE OF ADOPTED AMENDMENT(S)

Section 610.500(b)(1) was changed regarding the certification of an essential need for the public infrastructure financing within the community.

Section 610.500(b)(2) was revised to exempt not-for-profit medical facilities and public health clinics from addressing the local governments tax effort.

Section 610.500(b)(7) was changed to delete the need for a signed resolution of support from the local government.

Section 610.600 (b)(2)(A) was revised to delete the word "public" in "community public facility".

In addition, the changes were made as recommended by the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? Yes.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The current State-administered rules must be updated in order to allow the department to provide financial assistance to, or on behalf of, local governments, public entities, medical facilities and public health clinics for the purpose of making affordable the financing of a community's public infrastructure necessary for health, safety and economic development. These amendments make the rules consistent with the legislation.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 5th Floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

- a) The Illinois Business Development Public Infrastructure Loan and Grant Program (Program) of the Department of Commerce and Community Affairs (Department) provides financing assistance directly to local governments to develop public infrastructure needed to support economic development and the creation or retention of private sector jobs. Funding is targeted toward communities which demonstrate that funding assistance is essential to initiate opportunities for attracting new commercial or industrial ventures or to support the expansion or retention of an existing company.
- b) The Department will finance approved infrastructure projects through grants or loans. Grants will be authorized in those circumstances where it can be demonstrated that the locality's financial capacity will not generate the necessary revenues to pay the debt service on the cost of the public improvement. Grants will also be authorized in those circumstances where the proposed infrastructure project is necessary to encourage large out of state firms to locate in Illinois or to encourage existing large companies to undertake substantial job expansion or retention projects.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 610.30 Evaluation Process

The Department shall screen all applications to determine that all requirements of the application package have been addressed. Complete applications will be reviewed and evaluated by Department staff. Applicants will be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. This review and evaluation process will be completed within 45 days of the Department's receipt of a complete application. Department staff will conduct a technical and financial evaluation of each application.

- a) Technical Evaluation Component - Each application will be reviewed to assure compliance with technical program requirements as specified in the Public Infrastructure Loan and Grant Program Act (Ill. Rev. Stat. 1989 1991, ch. 127, par. 2708-1 et seq.) [30 ILCS 750/Art. 8] (Act). The technical evaluation will address the following criteria:

- 1) Evidence of Need for Public Participation - The application must demonstrate the need for public funds in the manner set forth in Section 8-5 of the Act, including identification of the essential need for public infrastructure in order to secure the private sector development, expansion, or retention; evidence that the project cannot be financed solely from local revenue sources or cannot be financed at an interest rate and term which makes the project viable; and an indication of the relationship of the proposed public infrastructure improvement to a local capital improvements plan (if applicable) or a documented need for the improvement.

- 2) Project Implementation Readiness - The application must show that

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

the Infrastructure Program is ready for implementation by providing a time schedule for the immediate project initiation; detailed engineering reports and cost estimates which demonstrate cost feasibility of the project; and a signed resolution of support from the local government.

- 3) Project Impact - The application must clearly demonstrate a positive project impact consisting of an increase in employment or the retention of jobs and evidence that jobs created/retained will generate additional wealth for the community (e.g., final goods or services produced are sold in markets outside Illinois or final goods or services produced and sold locally substitute for those imported from outside the State) -- some preference will be given to these types of jobs.

- b) Financial Evaluation Component - The Department will conduct a financial analysis of each application received. The financial evaluation will include an analysis of the local government and the company undertaking the business project.

- 1) Analysis of Local Government - The Department's local government financial analysis will review alternative funding sources available to and pursued by the applicant, such as general obligation or revenue bonds, federal grant programs, tax increment financing, or special service area tax proceeds and user-charges; a determination of the financial health of the governmental unit based on the most recent audit of governmental funds including current tax rates, outstanding debt structure, utility user charges (if applicable to the project); and the community's ability to pay a portion of the costs for the infrastructure improvement.

- 2) Analysis of the Business - The firm's financial statements, including the annual balance sheets and profit and loss statements, for the past three years, as well as the most recent ninety days and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. These statements will be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage of the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1988 (no later amendments or editions included) "RMA Annual Statement Studies" published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178) or comparable source which more closely matches the applicant's business operation if the applicant's industry is evaluated by such sources. This standard credit analysis will determine the financial stability of the company in accordance with Section 8-5(g) of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

MAY 23 1994

Section 610.50 Funding Limitations

The ~~Illinois~~ Business Development Public Infrastructure Loan and Grant Program helps to fund public infrastructure projects. There is no maximum amount of Department funds which may be invested in any one project. However, loan and grant amounts will be commensurate with the number of jobs created or retained.

(Source: MAY 23 1994 Ill. Reg. , effective)

Section 610.60 Administrative Requirements

- a) Loan Terms - Infrastructure project loans will be at a fixed, low or no interest rate for a term not to exceed 10 years. However, in extenuating circumstances (e.g., based on the infrastructure improvement's useful life and the local government's financial capacity to repay the loan) a longer term, up to twenty years, will be considered. The loan term and amortization schedule will be flexible, according to not only the life expectancy of the proposed infrastructure improvement, but also the repayment capacity (based upon a review of the local government's last year's audit) of the local government. Installments shall be due and payable to the Department according to a negotiated amortization schedule. All payments shall be applied first to interest and then to principal.
- b) Reporting - The Recipient (applicant receiving grant/loan) will provide, at least annually, information and reports required by the Department (e.g. reports on job creation/retention; financial statement of assets, liabilities, and net worth).
- c) Termination of Grant/Loans - Grants/loans shall be terminated for the following reasons:

- 1) Termination due to Loss of Funding - In the absence of state funding for a grant year, all grants/loans for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

2) Termination for Cause

- A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant/loan, the Department shall terminate the grant/loan in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant/loan include, but are not necessarily limited to the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

following: consistent failure to submit required reports; failure to maintain required records; failure to protect inventory; misuse of equipment purchased with grant/loan funds; evidence of fraud and abuse; consistent failure to meet performance standards and failure to resolve points of the agreement (i.e., narrative, number to be served). These circumstances are explained in the grant/loan agreement.

- B) The Department shall promptly notify the Recipient in writing of the determination to terminate, the reasons for such termination, and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities explained in the grant/loan agreement.

- 3) Termination by Agreement - The Department and the Recipient shall terminate the grant/loan in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many obligations as possible. The Department shall allow full reimbursement to the Recipient for the Department's share of the terminable obligations, properly incurred by the Recipient prior to termination.

- d) Events of Default - The entire unpaid principal of the loan, and the interest then accrued thereon, shall become and be immediately due and payable upon the written demand of the Department, without any other notice or demand of any kind or any presentment of protest, any of the following events (hereafter an "event of default") shall occur and be continuing at the time of such demand, whether voluntarily, involuntarily, or without limitation, except in the case of involuntary operation of law or pursuant to or in compliance with any judicial decree or order of any court or any order, rules or regulations of any administrative or governmental body, provided, however that the Department will make deferrals based upon case by case review of the Recipient's financial statements and projections. (see Section 610.25(d) and (e)) to determine if the Recipient will be able to make payments at a future date.

- 1) Non-payment of loan - If the Recipient shall fail to make payments when due of any installment of principal on the loan, or interest accrued thereon and if the failure to make payment shall be as set forth in Section 610.25(d) and (e).

- 2) Non-payment of Other Indebtedness - If default shall be made on the payment when due of any installment of principal or interest on any of the Recipient's other indebtedness, then

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

creditor the Recipient owes) and if such default shall remain unremedied for (15) days.

- 3) Incorrect Representation or Warranty - If any representation or warranty contained in, or made in connection with the execution and delivery of, the loan agreement, or in any certificate furnished pursuant hereto, shall prove to have been incorrect.
- 4) Default in Covenants - If the Recipient shall default in the performance of any other term, covenant or agreement contained in the loan agreement, and such default shall continue unremedied for thirty (30) days after either:
 - A) it becomes known to an executive officer of the Recipient; or
 - B) written notice thereof shall have been given to the Recipient by the Department.

- 5) Voluntary Insolvency - If the Recipient shall cease to pay its debts as they mature or shall voluntarily file a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidation of its assets or to effect a repayment plan with creditors, or shall be adjudicated bankrupt, or shall make a voluntary assignment for the benefit of creditors.
- 6) Involuntary Insolvency - If an involuntary petition shall be filed against the Recipient under any bankruptcy or insolvency law or seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the Recipient, or the property of the Recipient, or a writ or warrant of attachment shall be issued against the property of the Recipient and such petition shall not be dismissed, or such writ or warrant of attachment shall not be released or bonded within thirty (30) days after filing or levy.

- 7) Judgments - If any final judgment for the payment of money that is not fully covered by liability insurance shall be rendered against the Recipient, and within thirty (30) days, shall not be discharged, or an appeal therefrom taken and execution thereon effectively stayed pending such appeal, and, if such judgment be affirmed on such appeal, the same shall not be discharged within thirty (30) days.

- e) Notice of Default - The Recipient agrees to give written notice to the Department of any event, within 15 days after the event, which constitutes an event of default as specified in Section 610.60(d).

- f) Monitoring and Evaluation - Recipients must permit any agent authorized by the Department, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant/loan from the Department.

g) Audits

- 1) The Recipient shall be responsible for having an audit of all grant/loan records and such audit must be performed by an independent certified public accountant, licensed by authority of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

the State of Illinois in accordance with the Illinois Public Accounting Act (Ill. Rev. Stat. 1909 1991, ch. 111, pars. 5500.01 et seq.) [225 ILCS 450]. The audit must be conducted in accordance with generally accepted auditing standards adopted by the American Institute of Certified Public Accountants (AICPA) (office located at 1211 Avenue of Americas, New York, N.Y. 10036-8775) (1989, with no later amendments or editions).

- 2) The Recipient may secure an independent audit of its grant/loan in the same manner as it secures its regular audits, provided it provides for maximum open and free competition. The audit should be conducted as part of the Recipient's normal annual audit or, when the ending period of the audit covers the expenditure of all loan funds, bi-annual audit.

- 3) The Recipient shall work cooperatively with the audit firm selected; actively work with both the audit firm and the Department to resolve any and all audit findings; and work cooperatively with the Department's staff in preparing for, conducting, and resolving audits.

- 4) Any Recipient receiving a grant will provide the Department with 3 copies of its annual audit which addresses Department grant(s). In instances where the grant period or term does not coincide with the Recipient's fiscal year, two fiscal audit reports shall be forwarded to the Department. Any Recipient receiving a loan will provide the Department with 3 copies of its audit which addresses funds expended under the Department's loan, within thirty days of its publication.

- 5) The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours of funds expended under Department grants/loans.

- 6) Any independent public accounting firm that provides consultant services to a Recipient is prohibited from conducting an audit of that Recipient for the period during which services were rendered.

- h) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

- i) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1909 1991, ch. 127, par. 2310) [30 ILCS 705/10], all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

- j) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1909 1991, ch. 68, pars. 1-101 et seq.) [775 ILCS 5].

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

- k) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the AICPA (September 19, 1987, Financial Accounting Standards Board of the AICPA) (September 19, 1987, no later amendments or editions included) to maintain control and accountability over grant/loan funds.

1) Maintenance and Insurance of Property

- 1) The Recipient shall at all times maintain the property provided as security for the loan in such condition and repair that the Department's security will be adequately protected.
- 2) The Recipient shall maintain, during the term of the loan, adequate (at least covering the amount of the loan) hazard (e.g., tornado, hail, acts of God) insurance policies, covering fire and extended coverage for all such other hazards and issued by an insurance company authorized to do business in the State of Illinois with loss payee clauses in favor of the Department.
- 3) The Recipient shall, if at any time during the life of the loan the Recipient's property is declared to be within a flood hazard area, purchase federal flood insurance if available. Such insurance shall be equal to the amount of the loan.
- 4) The Recipient shall maintain liability and worker's compensation insurance. The Recipient shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency which may, in any manner, affect the chattel, personal property or real estate securing the loan.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 23 1994)

SUBPART B: AFFORDABLE FINANCING OF PUBLIC INFRASTRUCTURE
LOAN AND GRANT PROGRAM

Section 610.100 Program Purpose

- a) The Affordable Financing of Public Infrastructure Loan and Grant program provides affordable financing of public infrastructure in the form of loans and grants to, or on behalf of, local governments, local public entities, medical facilities, and public health clinics from appropriations from the Public Infrastructure Construction Revolving Loan Fund for the purpose of assisting with the financing, or application and access to financing, of a community's public infrastructure necessary to health, safety, and economic development. Funds are available either directly from DCCA enumerated in Section 610.400 or through the designated intermediaries enumerated in Section 610.300(b).
- b) The Department may provide credit enhancement loans and grants to State public infrastructure financing intermediaries, on behalf of local governments, local public entities, local medical facilities, and local public health clinics. The funds may be used for the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

purpose of leveraging access to other sources of financing available from the intermediary. Grants may be used to establish loss reserve funds or purchase letters of credit and other forms of credit enhancement to facilitate financing of public infrastructure projects. Loss reserves shall be established in conformance with 30 ILCS 8/10(f).

(Source: Added at 18 Ill. Reg. _____, effective MAY 23 1994)

Section 610.200 Definitions

"Affordable Financing" shall mean access to a financing rate equivalent to that of an "A" rated borrower.

"Application" shall mean a request for program funds including the required forms and attachments.

"Department" shall mean the Illinois Department of Commerce and Community Affairs.

"Grant" shall mean funds which require no repayment to be used by a qualified applicant.

"Local Government" shall mean any unit of local government as defined in Article VII, Section 1 of the 1970 Illinois Constitution.

"Local Public Entity" shall mean any entity as defined by Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10/1-206].

"Medical Facility" shall include a hospital, infirmary, clinic, dispensary, mental institution or similar facility.

"Public Health Clinic" means an outpatient clinic conducted by a locally based not-for-profit corporation, or by any local board of health whose health department is recognized by, and has a designation status established by, the Illinois Department of Public Health.

"Public Infrastructure," for the purposes of the Affordable Financing of Public Infrastructure Loan and Grant program, shall mean capital acquisitions, construction, and improvements to other local facilities and sites, and associated permanent furnishings and equipment that are a necessary precondition for projects necessary to further the development potential of the community.

"Qualified Applicants," for the purpose of the Affordable Financing of Public Infrastructure Loan and Grant program, shall mean local governments, local public entities, medical facilities, and public

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

health clinics.

"Resource Leveraging" shall mean a financial contribution which includes other sources of private and public financing (e.g., Economic Development Administration, Environmental Protection Agency, Farmers Home Administration). Costs incurred prior to the date of grant award will not be considered as resource leveraging.

(Source: MAY 23 1994 18 Ill. Reg. _____, effective _____)

Section 610.300 Cooperative Agreements with State Intermediaries

a) The Department is authorized to enter into cooperative agreements with other State government public infrastructure financing entities for the purpose of reliance upon their application, credit review, security, and loan closing procedures for individual small project loans. [30 ILCS 750/8-10(b)] Small Project Affordable Financing of Public Infrastructure loans may be provided under the following conditions:

1) As the sole financing source when the Department has determined that no other affordable financing source is available for projects that are necessary to local community health, safety and economic development; or

2) As partial project financing in satisfaction of other financing project development costs necessary to finance feasibility study and other source match requirements, to finance feasibility study and other project development costs necessary to accessing other financing, and to otherwise service financing gaps necessary to project feasibility. [30 ILCS 750/8-10(b)]

b) The State governmental public infrastructure financing intermediaries with which the Department may enter into interagency agreements are the State executive agencies, including the Illinois Environmental Protection Agency and the Illinois Department of Public Health and any body politic created under State statute including the Illinois Rural Bond Bank and the Illinois Development Finance Authority.

c) The governmental public infrastructure financing intermediaries may use the funds provided by the Department to provide small project loans which may not exceed \$100,000 in principal amount. The repayment period for small project loans shall not exceed 3 years. The small project loans may be provided to local governments, local public entities, medical facilities and public health clinics for the purpose of making affordable the financing of "public infrastructure" as defined by 30 ILCS 750/8-2.

d) The cooperative agreements between the Department and the intermediaries shall contain a section that specifies the eligible uses, qualified applicants and responsibilities in implementing the infrastructure assistance funds by each intermediary. The cooperative agreements between the Department and the intermediaries may be modified or supplemented by written agreement of both parties. The

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

agreements may be terminated by either party with 30 days written notice.

e) Repayments of principal and interest on loans made by the intermediaries from the infrastructure assistance funds provided by the Department to qualified applicants and any funds collected due to default or failure to comply with the terms or conditions of a loan made under this program and any excess loss reserve funds (any funds not utilized by the trustee for payment of realized losses, fees, and other costs in administering the loss reserve trust fund) shall be paid into the Public Infrastructure Construction Loan Revolving Fund.

f) If applicable, the intermediaries may charge qualified loan applicants reasonable and customary fees.

g) The intermediaries shall develop a set of operating procedures and documents which will be provided to the Department before funds are to be made available to the intermediaries. The operating procedures, at a minimum, shall contain the following:

1) Certification by the intermediary that the proposed project meets the requirements of the Affordable Financing of Public Infrastructure Act;

2) Documentation of sufficiency of tax or revenue source to service debt. A financial feasibility report from an independent accountant or analyst should be provided.

3) Procedure for disbursement of funds to the grantee;

h) The documents, at a minimum, shall contain the following:

1) A preliminary and/or final application, including necessary financial information;

2) Applicable closing documents, i.e., loan agreement, debt authorization ordinance and security agreement, including intercept agreement as appropriate.

i) The intermediaries receiving funds from the Department shall submit quarterly progress reports to the Department in the manner prescribed by the Department.

(Source: MAY 23 1994 18 Ill. Reg. _____, effective _____)

Section 610.400 Direct Grants and Loans

a) The Department is authorized to provide small project affordable financing of public infrastructure grants and loans to local governments, local public entities, local medical facilities, and public health clinics of up to 75% of the project costs where the Department has determined that affordable financing is available for the balance of the project cost, but not for the amount to be subject to the small project affordable financing of public infrastructure grant or loan. No small project grant or loan shall exceed \$100,000. [30 ILCS 750/8-10(d)]

b) The Department is authorized to make small project loans which may not exceed \$100,000 in principal. The repayment period for small project

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

loans shall not exceed 3 years.

(Source: Added at 18 Ill. Reg. _____, effective _____,
MAY 23 1994)

Section 610.500 Application Cycle and Criteria for Grants and Loans

a) Application Availability

1) Applications for direct grant and loan assistance from the Department will be openly available if sufficient monies are allocated for the program. Upon request, the Department will supply potential applicants with an application package if sufficient monies are allocated for the program.

2) Qualified applicants may apply for grant and loan assistance under this program. Such applicants must submit an application on forms provided by the Department. A standard application form will be used statewide.

b) Program Application -- Applications for grant and loan assistance from the Department must address the following items:

1) Written certification by the applicant that an essential need exists for the public infrastructure financing in order to secure a health, safety or economic development project within the Community.

2) The applicant's financing capability and its ability to pay for, or secure the payment of, part or all of the proposed public infrastructure improvements, and the local government's tax effort, as shown by local tax rates relative to other local governments of the same type in the State. However, if the applicant is a not-for-profit medical facility or public health clinic, the applicant need not address the local government's tax effort.

3) Local financing mechanisms available to help pay for the costs of the public infrastructure project, including, but not limited to, local revenue bonds, special service area tax proceeds, local user charges, or applicable federal loans or grants.

4) The proposed public infrastructure improvements described in detail which shows their relationship to existing public property and capital improvement plans, as well as the pending health, safety or economic development project.

5) Certification that the project is a health, safety or economic development project.

6) Certification that the community has a multi-year capital improvement program, updated annually, that includes listings of specific capital projects and specifies all sources of funds for each project, and that is based on economic analysis of the costs and benefits of each project and an analysis of the implications of each project for operating, maintenance and repair costs, and shows each year what past projects have been completed, which are pending, and which have been dropped from the capital plan. [30

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

ILCS 750/8-11(a)-(f))

7) The applicant's readiness to implement the project by providing a time schedule for project initiation; cost estimates which demonstrate the cost feasibility of the project; and a signed resolution of support from the organization's governing body.

(Source: Added at 18 Ill. Reg. _____, effective _____,
MAY 23 1994)

Section 610.600 Evaluation Process

a) Department staff will screen all applications to determine that all application requirements of the direct loan and grant application package have been addressed. Applications will be reviewed in accordance with Department review criteria listed in subsection (b) below.

b) A request for grant and loan assistance will be evaluated in accordance with the requirements of this Part. The review and evaluation of applications will take no more than 45 working days after the Department's receipt of a completed application, with financial assistance awards being announced at the end of that period.

1) Applications that address economic development will be evaluated on the basis of:

- A) The extent of economic need to be addressed by the project;
- B) Time schedule for project initiation, etc., indicating the level of project readiness;
- C) The merits of the proposed work plan and consistency of proposed activities with requirements of the Act;
- D) The level of economic development results expected (e.g., jobs created or retained, private funds leveraged, etc., or other significant development benefits or impacts); and
- E) The financial capability of the applicant to finance the infrastructure improvements from other sources.

2) Applications that address public health and safety issues will be evaluated on the basis of:

- A) Documentation that a threat to the health and safety of the community exists, i.e., a deficiency exists in a community facility, and that the project alleviates the identified threat to public health or safety;
- B) Time schedule for project initiation, etc., indicating the level of project readiness;
- C) Financial capability of the applicant to finance the infrastructure improvements from other sources;
- D) The merits of the proposed work plan and consistency of the proposed activities with the requirements of the Act; and
- E) The financial capability of the applicant to finance the infrastructure improvements from other sources.

c) Upon selection, the Department will notify applicants of the amount of grant or loan assistance being awarded. The Department will issue an

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

award letter and will issue an agreement for signature by the applicant. The Department may limit the amount of time such grant or loan funds will be available for use by the applicant.

(Source: Added at 18 Ill. Reg. _____, effective _____,
MAY 23 1994)

Section 610.700 Selection for Funding for Direct Grants and Loans

Department staff will conduct an evaluation of each application submitted. Applicants that best meet the objectives of the Act through satisfaction of the evaluation criteria specified in Section 610.600 will be funded until all available grant or loan financing is expended. The amount of grant or loan financing made available by the Department will be based upon the extent to which the applicant provides evidence of economic development benefit to the community or reduces a threat to public health or safety.

(Source: Added at 18 Ill. Reg. _____, effective _____,
MAY 23 1994)

Section 610.800 Funding Limitations

- a) The Department shall not exceed \$5,000,000 in total small project loan balances outstanding at any time.
- b) The Department shall not award more than \$500,000 per fiscal year in small project grants.
- c) The Department shall not award an amount of credit enhancement loans and grants which, combined with the total of outstanding affordable financing of public infrastructure credit enhancement loans, exceeds \$1,000,000 at any time.
- d) Loss reserve fund trusts funded from funding reserve grants shall not exceed 25% of the total public infrastructure financing issued by the State public infrastructure financing intermediary intended to be subject to the loss reserve fund. The Department shall not in total award Affordable Financing of Public Infrastructure grants for loss reserves in excess of \$1,000,000.

(Source: Added at 18 Ill. Reg. _____, effective _____,
MAY 23 1994)

Section 610.900 Administrative Requirements

Affordable Financing of Public Infrastructure grants and loans awarded by the Department are subject to the following conditions:

- a) Direct financial assistance through the loans or grants must be used for the purposes specified in Section 8-10 of the Act.
- b) On Affordable Financing of Public Infrastructure loans, the Department shall determine the interest rate, if any, that the loans shall bear. The Department shall set the terms and conditions for repayment of the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

loans. The repayment period of loans shall not exceed 20 years except for the small project loans specified in Section 610.300(c), which shall not exceed 3 years.

- c) Repayments of principal and interest on loans made and any funds collected because of a default or failure to comply with the terms or conditions of a loan under this program shall be paid into the Public Infrastructure Construction Loan Revolving Fund.
- d) The Department may take whatever actions are necessary or appropriate to protect the State's interest in the event of a default, foreclosure or noncompliance with the terms and conditions of the loans or grants provided under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions deemed to be appropriate by the Department, real or personal property that the Department may receive as a result thereof.

(Source: Added at 18 Ill. Reg. _____, effective _____,
MAY 23 1994)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Technology Advancement and Development Act Programs
- 2) Code Citation: 14 Ill. Adm. Code 545
- 3) Section Numbers: Adopted Action:
 545.10 Amendment
 545.30 Amendment
 545.40 Amendment
 545.50 Amendment
 545.60 Amendment
 545.70 Amendment
- 4) Statutory Authority: Implementing and authorized by Ill. Rev. Stat. 1991, ch. 127, par. 3701-1 et seq. [20 ILCS 700/1001].
- 5) Effective Date of Amendments: MAY 28 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: May 11, 1994.
- 9) Notice of Proposal Published in Illinois Register: January 28, 1994 (18 Ill. Reg. 839).
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version: The following changes were made in response to comments received from the Administrative Code Division:

 The heading was changed to be identical with the table of contents and the text.

 A cite was placed to the Act after the statutory language.

 In addition, a statutory cite was added in Sections 545.50 and 545.60 and a wording change was made in Section 545.60(b)(3) (Committee and the Coalition to Committee or the Coalition).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not Applicable.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: The current State-administered rules must be updated in order to provide grants to seed business associations who propose projects that will stimulate technology development and adoption, and grants that have a training component as part of a modernization project. The amendments make the rules consistent with the legislation.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
 Bureau of Community Development
 Department of Commerce and Community Affairs
 620 East Adams Street, 5th Floor
 Springfield, Illinois 62701
 Telephone Number: (217) 785-6174
 T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 545

TECHNOLOGY ADVANCEMENT AND DEVELOPMENT ACT PROGRAMS

SUBPART A: TECHNOLOGY CHALLENGE GRANT PROGRAM

Purpose-of-Program General Purposes

Section
545.10
545.20
545.25
545.30
545.40
545.50
545.60
545.70

Definitions
Incorporation by Reference
Program Responsibilities
Eligible Applicants
Application Process
Review of Applications
Program Administration Requirements

SUBPART B: TECHNOLOGY VENTURE INVESTMENT PROGRAM

Section
545.110
545.120
545.130
545.140
545.150
545.160
545.170
545.180
545.190
545.195

Purpose
Definitions
Application Cycle
Application Review
Application Documentation
Application Evaluation
Funding
Selection for Funding
Allowable Leverage
Administrative Requirements

SUBPART C: BUSINESS MODERNIZATION RETOOLING LOAN PROGRAM

Section
545.210
545.215
545.220
545.225
545.230
545.235
545.240
545.245
545.250
545.255
545.260
545.265
545.270

Purpose
Definitions
Eligible Businesses
Eligible Uses of Loan Funds
Application Documentation
Application Evaluation
Selection for Funding
Funding Waivers
Allowable Leverage
Loan Agreement
Loan Terms
Loan Security
Maintenance and Insurance of Property

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

545.275 Administrative Requirements
545.280 Audits
545.285 Termination of Loan
545.290 Events of Default

SUBPART D: BUSINESS MODERNIZATION ASSESSMENT GRANT PROGRAM

Section
545.310
545.315
545.320
545.325
545.330
545.335
545.340
545.345
545.350
545.355
545.360
545.365

Program Purpose and Mission
Definitions
Eligible Grant Categories
Eligible Businesses
Application Requirements
Applicant Process
Application Evaluation Standards
Selection Criteria
Grant Limitations
Administrative Standards for Grant Recipients
Project Reporting
Modification, Suspension and Termination of Grant

SUBPART E: DEVELOPMENT CORPORATION PROGRAM

Section
545.410
545.420
545.430
545.440
545.450
545.460
545.470
545.480
545.490
545.495

Program Purpose
Definitions
Applications
Application Review Process
Financial Assistance
Administrative Standards
Financial Assistance Standards
Audits
Modification, Suspension and Termination of Financial Assistance
General Terms Governing Relending

AUTHORITY: Implementing and authorized by the Technology Advancement and Development Act (Ill. Rev. Stat. 1991, ch. 127, par. 3701-1 et seq.) [20 ILCS 700] (see Public Act 88-453).

SOURCE: Emergency rules adopted at 13 Ill. Reg. 19753, effective December 1, 1989, for a maximum of 150 days; emergency expired April 30, 1990; adopted at 14 Ill. Reg. 9016, effective May 29, 1990; amended at 15 Ill. Reg. 15040, effective MAY 23 1994 4, 1991; amended at 18 Ill. Reg. _____, effective

SUBPART A: TECHNOLOGY CHALLENGE GRANT PROGRAM

Section 545.10 General Purpose Purposes of Program

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

a) General Purposes of the Act

- 1) To increase the level of investment in research and development utilizing industry, state and local government, and labor and academia to create statewide programs fostering an improved environment for productivity and technological competitiveness.
- 2) To utilize Illinois' present resources in many developing areas including health care and biomedical research, information and telecommunications, computing and electronic equipment, manufacturing technologies and materials research, transportation and aerospace, geoscience, financial and service industries, and agriculture and biotechnology.
- 3) To identify, develop and commercialize technology which will permit Illinois firms to successfully compete in today's world markets, and.
- 4) To promote systematically those private sector and nonprofit research institution efforts that will continue to insure Illinois' economic vitality and competitiveness. (Section 1002 of the Act).

b) General Purposes of the Technology Challenge Grant Program:

- 1) To help secure federal research and development projects for this State, and
- 2) To identify and develop technology programs capable of commercialization. (Section 2001 of the Act)

bc) Grant Purposes

- 1) Grants shall be awarded only for the following purposes:
 - 1A) To respond to unique, advanced technology projects for which no other source of funding is available and which foster the development of Illinois' economy through the advancement of the State's scientific and technological assets.
 - 2) To recognize technology programs of exemplary and outstanding research in the field of science and technology which will be of benefit to Illinois industries including but not limited to health care and biomedical research, computing and electronic equipment, manufacturing technologies and materials research, transportation and aerospace, geoscience, financial and service industries, agriculture and biotechnology.
 - 3) To assist eligible applicants in the State apply for, or qualify for and leverage, federal funds awarded for advanced technology projects concerning research and development, business innovation research or technical development, or the transfer of useful technology to the private sector.
 - 4) To fund technology partnerships, technology consortiums or research centers and industry technology associations that are, or will be, established to perform research and development in present and emerging technologies that can be developed for use by commerce and industry, or to transfer technology and conduct training and information dissemination that is directly applicable to industrial

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

commercialization of technology developments.

- D) To assist in the needs assessment and evaluation of the status of technology implementation throughout the State.
- 52) Grants awarded pursuant to this Subpart may be used to help subsidize expenses, as approved by the Department, for capital improvements, equipment, contractual services, commodities, personnel, support costs, including telecommunication, electronic data and commodities, or other costs (Section 2002 of the Act).

(Source: Amended at 18 Ill. Reg. _____, effective MAY 23 1994)

Section 545.30 Program Responsibilities

- a) The Department shall establish and administer a Technology Challenge Grant Program as provided under the provisions of the Act. The Department, in addition to those powers granted under Section 46.60 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 1991, ch. 127, par. 46.60--as added by PA 86-0707--effective September 8, 1989) [20 ILCS 605/46.60] is granted the powers specified in Section 1004 of the Act.
- b) Governor's Science Advisory Committee
 - 1) The Department and the Illinois Department of Energy and Natural Resources are hereby authorized to cooperate with and provide support to the Governor's Science Advisory Committee and the Coalition. Such support may include but not be limited to the provision of office space and may be technical, advisory or operational in nature.
 - 2) The Committee shall be comprised of distinguished scientists and engineers selected by the Science and Technology Advisory Committee, representatives from academia, business, the environmental community, scientific community and government agencies and shall be appointed by the Governor. The Science and Technology Advisor to the Governor shall serve as chair of the Committee. The position and duties of Science and Technology Advisor to the Governor are described in Executive Order 99-2 Number 10 (1991).
 - 3) The Committee shall review and evaluate all applications for grants from the Technology Challenge Grant Program. The Committee shall determine the scientific and technical merit of the proposal for which a grant is sought with respect to the purposes of the Technology Challenge Grant Program.
 - 4) The Committee may seek evaluations from external reviewers and may form review panels, subcommittees, study groups, or task forces for purposes of conducting the review and evaluation. These review and evaluation tasks may be conducted jointly with the Coalition when the resources of the Committee are insufficient to assure a thorough review.
 - 5) The Committee shall make a report of findings and recommendations

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

for funding to the Director of the Department. The Committee may seek concurrence from the Coalition regarding the Committee's findings and recommendations ~~when the resources of the Committee are insufficient to assure a thorough review.~~

- 6) The recommendations for funding made to the Director may include recommendations for multi-year commitments by the Department. All such recommendations shall be subject to availability of appropriations and all applicable law.

c) Associated Private Sector Coalition

- 1) A private sector coalition shall be formed in association with the Committee to advance the scientific and technological strength of Illinois by increasing publicly and privately supported research and development, and to improve the economic prospects of Illinois and the region. The associated private sector coalition shall be the Illinois Coalition.

- 2) In accordance with Section 46.60 of the Civil Administration Code of Illinois, the Department shall cooperate with the Coalition for the purpose of administering programs to identify, develop or commercialize technology or promote private sector efforts to identify, develop or commercialize technology.

- 3) The Coalition shall include representatives of Illinois businesses, both large and small, representatives of labor organizations, representatives of government, representatives of institutions of higher education research including federal laboratories located in Illinois.

- 4) The Coalition shall review and evaluate all applications for a grant from the Technology Challenge Grant Program as presented to the Coalition by the Department. The Coalition shall determine the potential economic and commercial benefits of the proposed project to Illinois with respect to the purposes of the Technology Challenge Grant Program and the likelihood that the project for which assistance is sought will:

- A) contribute to Illinois' scientific and technological development;
- B) promote the private commercialization of new products and processes by and for Illinois businesses;
- C) establish consortia for research and development in Illinois; or
- D) increase Illinois' competitiveness for federal and private sector research and development funds.

- 5) The Coalition may seek evaluation of applications from external sources and may form subcommittees for the purposes of conducting the review and evaluation. The Coalition may seek concurrence from the Committee, regarding the Coalition's findings and recommendations ~~when the resources of the Coalition are insufficient to assure a thorough review.~~ The Coalition may conduct its review and evaluation jointly with the Committee.

- 6) The Coalition shall make a report of its findings and recommendations to the Director.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 545.40 Eligible Applicants

Eligible applicants shall include:

- a) universities, colleges, community colleges, nonprofit research foundations or laboratories, State research institutions, industry technology associations, or
- b) Technology partnerships or technology consortiums established by a formal joint project agreement between:
 - 1) two or more private industries, or
 - 2) Any combination of one or more private industries with one or more universities, colleges, community colleges, nonprofit research laboratories, nonprofit research foundations, or State research institutions. [20 ILCS 700/2001]

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 23 1994)

Section 545.50 Application Process

- a) At least annually the Department shall issue a Request for Proposals (RFP) soliciting grant requests for the Technology Challenge Grant Program. The RFP shall include the deadline(s) for applications and a timeline for the applications' review and notification to the applicants. Applicants shall be notified within 120 days of the application deadline.

- b) Applications to the Technology Challenge Grant Program shall include:

- 1) A cover page with the title of the application; the name, address and institution submitting the application; the name, address and telephone number of the individual authorized to submit the application; and if different, the name, address and telephone number of an individual qualified, willing, and available to answer questions about the application that may arise during the review of the application; the amount of State funding requested; and the starting and ending dates for the proposed project.
- 2) A summary or abstract of the proposed project.
- 3) The body of the application may be in whatever format the applicant believes best describes the proposed project. A text of less than ten pages is sufficient for most projects. A list of references cited and other key documents should be provided.
- 4) A one or two page professional resume should be provided for the proposed project manager or principal investigator.
- 5) Twelve complete copies of the application should be submitted to:

Director

Illinois Department of Commerce & Community Affairs

Office of Technology Advancement---and---Development and Competitiveness

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

State-of-Illinois-Center James R. Thompson Center
100 West Randolph Street, Suite 3-400
Chicago, Illinois 60601

Attn: Technology Challenge Fund

- c) The application shall contain responses to all of the following (the Act requires that the Department consider these items in determining grant awards):

- 1) The relationship of a proposed advanced technology project to the State's future economic growth;
- 2) The qualifications and expertise of consultants, firms or organizations undertaking the effort;
- 3) The potential for leveraging federal or private research dollars, or both for the initiative;
- 4) The extent of the capacity of the applicant or the applicant partnership or consortium to finance the initiative;
- 5) The potential for adapting, commercializing or adopting the results of the applicant's project for the economic benefit of the State; and
- 6) The likelihood that the project has a potential for creating new jobs or retaining current jobs in the State. [20 ILCS 700/2003]

- d) All applications shall include a budget page(s) detailing the proposed use of Technology Challenge grant funds and the relationship of that requested funding to all other funds to be applied to the project.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 23 1994.)

Section 545.60 Review of Applications

- a) The Department shall receive all applications to the Technology Challenge Grant Program. The Department shall conduct an initial screening of all applications to determine the completeness of the application.

- 1) Applications found to be incomplete shall be returned to the applicant with notice of the deficiency. Applications which are returned may be resubmitted for consideration. ~~However resubmitted applications may not be considered for funding in that review cycle.~~

- 2) Applications determined by the Department to be substantially complete shall be forwarded within 10 working days to the Committee and the Coalition for their respective or joint review, evaluation and determination of merit.

- b) The Department shall evaluate complete grant applications based upon criteria provided under the Act.

- 1) In determining which grant applicants shall be awarded a Technology Challenge grant, the Department shall conduct an evaluation of prior compliance with grant agreements for any grant applicant previously funded by the Department. In making this determination, the Department shall look for evidence

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

of: consistent failure to submit required reports, failure to maintain required reports, failure to protect inventory or misuse of equipment or findings of fraud and abuse.

- 2) The Department shall give equal consideration to consider the following criteria in determining grant awards:

- A) The relationship of a proposed advanced technology project to the State's future economic growth;
 - B) The qualifications and expertise of consultants, firms or organizations undertaking the effort;
 - C) The potential for leveraging federal or private research dollars, or both, for the initiative;
 - D) The extent of the capacity of the applicant or the applicant partnership or consortium to finance the initiative;
 - E) The potential for adapting, commercializing or adopting the results of the applicant's project for the economic benefit of the State; and
 - F) The likelihood that the project has a potential for creating new jobs or retaining current jobs in the State. [20 ILCS 700/2003]
- 3) The Department shall forward all applications to the Committee and or the Coalition for review and recommendations for funding. The Committee and or the Coalition shall review and evaluate all Applications reviewed by the Department and make a report of findings and recommendations to the Director.
- 4) Upon receipt of the recommendations by the Committee and the Coalition, the Director shall consider those reports and the findings of the Department's evaluation. The Department shall not award any Technology Challenge grant that is not recommended for funding by the Committee or the Coalition. The Director shall determine the level of the grant award and shall determine the share of total directly attributable costs of an advanced technology project which may be considered for funding under this Subpart. Directly attributable costs are: capital improvements, equipment, contractual services, personnel, support costs, including telecommunications, electronic data processing, audits and commodities.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 23 1994.)

Section 545.70 Program Administration Requirements

- a) Record Retention and Review - Grantees will, as deemed necessary by the Department, permit the Department or its representatives to have full access to and the right to examine any pertinent documents, papers, and records of the recipient involving transactions related to a grant under this program. To the extent authorized by the Freedom of Information Act (Ill. Rev. Stat. §987 1991, ch. 116, pars. 201 et seq. ~~7-89-amended-by-the-Act~~) [5 ILCS 140], the Department will not

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

make public any information disclosing program supported technical information if such disclosure would affect the commercialization potential of the project.

- b) Financial Management Standards - A grantee's financial management system shall be structured to provide for accurate, current, and complete disclosure of the expenditures under the grant program. The grantee is accountable for funds received under this grant and shall maintain effective control and accountability over all funds, equipment, property, and other assets under the grant. Grantee records shall be sufficient to permit the tracking of funds to a level of expenditure adequate to ensure that funds have not been spent unlawfully.

c) Method of Compensation -

- 1) Payments pursuant to a grant are subject to the availability of funds appropriated by the General Assembly.
- 2) Payments to the grantee are subject to the initiation of an invoice voucher. The first payment for program initiation may be an advance for the first month's cash needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the expenditures to date as well as the cash needs of the recipient for the next period. Otherwise, payments may be made pursuant to the project budget and a schedule agreed to by the Department and the grantee.

- d) Audits - The grantee will conduct an audit of all appropriate program records (such as books of accounts, warrants, receipts for payment, reports of in-kind expenditures, time sheets and bank deposit slips) as required by the Department, using an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act (Ill. Rev. Stat. 1987 1991, ch. 111, pars. 5500.01 et seq.) [225 ILCS 450]. The audit must be conducted in accordance with generally accepted auditing standards adopted by the American Institute of Certified Public Accountants (AICPA) (1989) and must be submitted to the Department within six months of the expiration of the grant. If the grantee is routinely audited by the Auditor General of the State of Illinois, the grant need not be audited separately by the grantee.

- e) Suspension and Termination - If the grantee fails to comply with the terms and conditions of the Grant Award, the Department shall, after notice to the grantee, suspend the grant and withhold further payments or prohibit the grantee from incurring additional obligations of grant funds. The Grant shall be reduced or terminated in the absence of full state funding; if the Department determines that the grantee has failed to comply with the terms and conditions of the Grant in whole, or in part; or if the Department and the grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. Grants shall be terminated for consistent failure to submit required records, failure to maintain required reports, failure to protect inventory, misuse of equipment, or findings of fraud and abuse.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

- f) Nondiscrimination - The grantee shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987 1991, ch. 68, pars. 1-101 et seq.) [775 ILCS 5].
- g) Complaint Process - In the case of a grantee complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- h) Patent and Technical Information - Grantee copyright and patent policies must provide for protection of technical information, and identify ownership and control of patents ~~detail procedures for the sale-of-licensing-of-patents-and-protect-government-use-of-patented and-copyrighted-items~~. The State of Illinois shall be granted a no charge license to use the technology covered by any patent for which the technology was either conceived or reduced to practice with grant funds.
- i) Publication, Promotion, and Marketing - Grantees shall provide copies of public information and promotional documents, such as program reports, annual reports, informational brochures, fact sheets, manuals, or other similar documents. In addition, all such documents, technical journals and scientific research papers resulting from grant activities must include acknowledgement of the support of the State of Illinois, Department of Commerce and Community Affairs.

- j) Administrative Costs - Only 15% of direct costs can be used as general indirect costs.

- k) Program Match - Each grantee shall be required to match Department funds, except as noted below.

1) Department funds shall account for no more than 50% of the project's costs. Match can include cash or in-kind contributions as well as indirect cost contributions exclusive of the 15% ceiling noted in subsection (j). Grant monies or other funds received from the federal government or from other public and private entities can be calculated as match, provided that such funds are directly related to the objectives of the project and are under the administrative control of the project director.

2) The Director may waive the match requirement upon recommendation of the Committee or the Coalition. Match may be waived when it is demonstrated that no other source of funds is known or available to support the project or that the project would not go forward without the waiver. The waiver will be documented and kept on file by the Department.

- l) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1988 1991 Supp., ch. 127, par. 2310) [30 ILCS 705/10], all interest earned on funds held by the recipient under this grant shall become part of the grant principal when earned unless the grant agreement provides otherwise. However, any interest earned on funds subject to a Department grant after the grant's expiration date shall become part of the grant principal and shall be so treated for all purposes.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

m) Program Reports - Each grantee is required to report financial and programmatic data to the Department on a regular basis on forms prepared by the Department. Standards reports are as follows:

- 1) Expenditure Summary - The grantee shall maintain appropriate records of actual grant costs on expenditure summaries supplied by the Department. These expenditure summaries will identify line item costs charged to the grant and line item matching share supplied by the applicant or third parties. Expenditure Summaries are to be submitted to the Department by the 30th day following the end of each fiscal quarter in which any expenditure of grant funds or match funds is made.

- 2) Program Report - Each grantee shall prepare a program report. The program report shall include a narrative report on progress towards achieving objectives and activities which advance technology, leverage federal or private research dollars and activities which adapt, commercialize or adopt advanced technologies for the benefit of the State or which create or retain jobs in Illinois and economic impact of the program (Section 2003 of the Act). Program reports shall be submitted to the Department by the 30th day following the end of each fiscal quarter.

n) Confidentiality of Trade Secrets and Commercial or Financial Information - Applications and other information obtained by the Department under the Technology Challenge Fund shall be administered pursuant to Section 7 of the Freedom of Information Act (Ill. Rev. Stat. 1987 1991, ch. 116, par. 2077-as-amended-by-the-Act) [5 ILCS 140/7]. Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm including all information determined confidential under Section 4002 of the Act shall be exempt from inspection and duplication. Nothing in this subsection shall be construed to prevent a person or business from consenting to disclosure.

- o) Third Party Award Challenge - Applicants denied funds by the Department in accordance with the provisions of this Act shall not be construed to be conveyed with the right to challenge the awarding of funds by the Department to successful applicants, nor to challenge any other agreement executed in connection therewith.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 23 1994)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Real Estate Appraiser Certification

- 2) Code Citation: 68 Ill. Adm. Code 1455

- 3) Section Numbers: Adopted Action:

1455.30 Amendment

1455.200 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 5836.5, .10 and .17 [225 ILCS 455/36.5, .10 and .17].

- 5) Effective Date of Rules: MA) 2 4 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Rules contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: May 24, 1994

- 9) Date Notice of Proposal Published in Illinois Register: February 25, 1994, at 18 Ill. Reg. 2733.

- 10) Has ICAR issued a Statement of Objections to these Rules? No

- 11) Difference(s) between proposal and final version:

No substantive changes were made. Style and punctuation changes were made in response to comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? ICAR did not need to issue an agreement letter.

- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes, Section 1455.30 only.

- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Rules: The Appraisal Subcommittee of the Federal

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Financial Institutions Examination Council has raised from 105 to 120 the number of classroom hours of appraisal related education necessary for licensure as a Certified Residential Real Estate Appraiser. The new federal standards became effective January 1, 1994. To be in compliance with federal law, Illinois must amend its rules to add 15 hours of classroom work.

Section 1455.200(d)(7) also is amended to correct an error in a reference to the expiration date of approval for continuing education courses. The correct date is March 31 of even numbered years, as is stated in Section 1455.210(b)(2).

- 16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER CERTIFICATION

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section
1455.10
1455.15
1455.20

1455.30
1455.40

1455.50
1455.60
1455.70

Definitions
Uniform Standards of Professional Appraisal Practice
Education and Experience Requirements for State Licensed Real Estate Appraiser
Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
Examination
Nonresident Licensure/Certification
Nonresident/Temporary Practice

SUBPART B: EDUCATION PROVIDERS

Section
1455.200
1455.205
1455.210

Approval of Education Providers/Courses
Appraiser Continuing Education (CE)
Fees - Education Providers/Courses

SUBPART C: GENERAL

Section
1455.300
1455.310

Renewals
Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 through .25; see Public Act 87-1193, effective September 24, 1992) [225 ILCS 455/36] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____
MAY 24 1994

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

- a) Education. A total of ~~405~~ 120 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.

- 1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

- A) Standards of Professional Appraisal Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Residential Property--30 hours (IL III).
- D) Elective Courses--~~30~~ 45 hours (IL E).

- i) Hours that have been approved in excess of the curriculum requirement, for courses in curricula IL I, IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

- A) Standards of Professional Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Nonresidential Property--30 hours (IL IV).
- D) Income Approach, Capitalization--30 hours (IL V).
- E) Elective Courses--60 hours (IL E).
- i) Hours that have been approved in excess of the requirement, for courses in curricula IL I, IL II, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- ii) Coursework in the IL III curriculum will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 3) Courses completed prior to January 1, 1993.

- A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200.

- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.

- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.

- 4) All courses completed after January 1, 1993, shall be from courses and course

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

providers licensed by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.

- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.

- A) One hour of education credit for every one hour of classroom instruction shall be awarded.
- B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
- C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:

- 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.
- 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
- 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

appraisal and other experience as follows:

- A) 20 hours for apartment property with 5-24 units.
- B) 40 hours for apartment property with more than 24 units.
- C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
- D) 20 hours for industrial property with buildings up to and including 25,000 square feet.
- E) 40 hours for industrial property with buildings over 25,000 square feet.
- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.
- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

- P) Teaching Experience. Credit for teaching of Department approved appraisal courses shall not exceed 400 hours.
- i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;
 - ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.
 - iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
 - iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
 - v) An applicant may not earn both education and experience credit for teaching the same course.
- Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.
- R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Sections 1455.30(b)(3) through (6) and ~~Section 1455.40(a)(2).~~
- S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Sections 1455.30(b)(3) through (6) and ~~Section 1455.40(a)(2).~~
- T) Real Property Management experience shall be accepted if the

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

- experience is directly related to performing or reviewing appraisals, in accordance with Sections 1455.30(b)(3) through (6) and ~~Section 1455.40(a)(2).~~
- U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).
- 4) Field and review appraisals conducted prior to January 1, 1992, shall:
- A) Identify and describe the real estate being appraised;
 - B) Contain an indication of highest and best use (analysis);
 - C) Identify the real property interests being appraised;
 - D) Contain a definition of the value being estimated;
 - E) Set forth the effective date of the value estimate and the date of the appraisal report;
 - F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions;
 - G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions;
 - H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.
- 5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.

- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in USPAP that were in effect on the date the appraisal was signed.

(Source: Amended at 18 Ill. Reg. _____ effective MAY 24 1994)

SUBPART B: EDUCATION PROVIDERS

Section 1455.200 Approval of Education Providers/Courses

- a) An entity seeking approval as an appraisal education provider shall submit an application, on forms provided by the Department, and shall meet the following minimum criteria:

- 1) The provider shall:

- A) Maintain a fixed office that is adequate for the maintenance of all records, office equipment, files, telephone equipment and office space necessary for customer service;
- B) Offer a minimum of one curriculum that conforms to the standards of subsections (c) and (d) of this Section;
- C) Administer a mandatory final examination for each pre-license course offering;
- D) Provide each student within 21 days of completion of each course (or within 21 days of a request by a student or the Department), a certification of completion, transcript or other document verifying hours of attendance, successful course completion and identifying the course by name and number, if any. In addition, such certificate, transcript or other document shall indicate the provider's address and telephone number, the location and date of the course, and include an authorized signature of the course provider's representative. Documentation for CE courses may be in the form of a Uniform Request for Continuing Education, which is a form supplied by national appraisal organizations;

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

- E) Submit the fee(s) set forth in Section 1455.210;
- F) Comply with all applicable fire, building, zoning, health, safety and accessibility codes and standards pertaining to the premises, equipment and facilities of the course site;
- G) Provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (e.g., cost of retaking a course, current status of licensure, any disciplinary action taken by the Department; and attendance requirements);
- H) Maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of at least 7 years and shall be available for inspection by the student or by the Department or its designee during regular business hours; and
- I) Employ competent instructors.
 - i) Beginning December 31, 1993, instructors for courses in the IL IV and IL V curricula shall be Certified General Real Estate Appraisers or full time faculty members of a 4-year college or university.
 - ii) Beginning December 31, 1993, instructors for courses in the IL I, IL II and IL III curricula shall be Certified Residential or Certified General Real Estate Appraisers or full time faculty members of a 4-year college or university.
 - iii) For CE courses and courses in the IL E curriculum, instructors should be Certified Residential or General Real Estate Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.
- 2) Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

indicate that the provider and course of study have been approved by the Department.

- 3) Colleges and Universities
 - A) Colleges and universities which apply as appraisal education providers under subsection (a)(1) above shall be accredited by the regional accrediting body and offer either or both an associate's and baccalaureate degree program.
 - B) Colleges and universities will not be required to pay the application fees required by Section 1455.210.
- b) Appraisal Education Sub-Providers
 - 1) Sub-organizations (such as chapters, branch schools and local associations) may seek CE course approval (licensure) under the appraisal education provider's license of the parent organization. Such sub-providers may not seek approval for pre-license appraisal courses. Sub-providers may offer pre-license courses as a co-sponsor with the parent provider.
 - 2) Sub-organizations need not apply to the Department to become an approved CE course provider but may seek course approval under the providership of the parent organization.
 - A) A sub-provider need not comply with (A), (C), (D) or (H) of subsection (a)(1) of this Section.
 - B) The license of the parent organization may not be jeopardized or disciplined as a result of the actions of the sub-provider.
 - 3) The appraisal education sub-provider, on each application for CE course approval, must certify:
 - A) The sub-organization has reviewed the CE course and approves the course content;
 - B) The sub-organization is an authorized affiliate of the parent organization;
 - C) The parent organization has given the sub-organization permission to seek course approval (licensure) under the umbrella of the parent

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

organization's provider's license; or, that the parent organization will recognize the course for CE credit within its own CE program.

- 4) Each CE course sub-provider shall issue to each registered student a certificate of attendance that shall indicate the student's name, social security number or appraiser license/certification number, the date(s) and location of the course, the signature of an authorized representative of the sub-provider and a statement that the student did or did not attend a minimum of 90% of the course. A certificate of attendance may be in the form of a course attendance diploma, a certification letter, an official transcript or a "Uniform Request for Continuing Education Credit".
- 5) Within twenty-one (21) days ~~of~~ after completion of each CE course presentation, the sub-provider shall certify to the Department, Office of the Appraisal Administrator, a roster of all duly registered students. The certification shall be on forms provided by the Department and shall include:
 - A) The CE course license number;
 - B) The license number of the parent provider;
 - C) The date(s) and location of the CE presentation;
 - D) The name of the instructor(s);
 - E) A listing of students by full name, appraiser license/certification number (or social security number) and an indication that the student did or did not attend a minimum of 90% of the course (the names shall be listed in alphabetical order); and
 - F) The authorized signature of a representative of the sub-organization.
- c) Required Pre-License/Certification Course Curriculum
 - 1) Standards of Professional Appraisal Practice--15 hours (IL I). This course curriculum reviews USPAP adopted by the Appraisal Subcommittee. Topics are:
 - A) Ethics Provision - USPAP
 - B) Competency Provision - USPAP
 - C) Departure Provision - USPAP
 - D) Standard 1 - USPAP

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

- E) Standard 2 - USPAP
- F) Standard 3 - USPAP
- G) Standard 4 - USPAP
- H) Standard 5 - USPAP
- I) Standard 6 - USPAP

2) Basic Principles of Appraisal--30 hours (IL II). This course curriculum shall include an overview of the appraisal process covering the principles of market and valuation analysis necessary for appraising real property and an introduction to appraisal theory, concepts, techniques and the level of competence required to perform professional appraisal analyses. Topics are:

- A) Influences on Real Estate
- B) Real Estate/Real Property/Personal Property
- C) Real Estate Ownership
- D) Legal Descriptions
- E) Types of Value
- F) Economic Principles
- G) Real Estate Markets and Market Analysis
- H) Money and Capital Markets
- I) Real Estate Financing
- J) Valuation Process
- K) Neighborhood Data and Analysis
- L) Site Data and Analysis
- M) Improvement Data and Analysis
- N) Basic Construction and Design
- O) Highest and Best Use Analysis
- P) Sources of Valuation Data
- Q) Accumulation of Valuation Data
- R) Overview of the Three Approaches to Value
- S) Reconciliation and Final Value Estimate
- T) Overview of the Appraisal Report

3) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III). This course curriculum shall be designed to provide an understanding and working knowledge of the procedures and techniques required to estimate the market value of residential properties. Emphasis should be placed on the extraction of data and the correct application of the three approaches to real estate valuation. Topics are:

- A) Basic Statistics
- B) Residential Site Valuation - Sales Comparison

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

- C) Residential Site Valuation - Allocation
- D) Residential Site Valuation - Extraction
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Capitalization Approach - Gross Rent Estimates
- R) Income Capitalization Approach - Gross Rent Multiplier
- S) Income Capitalization Approach - Application
- T) Residential Appraisal Reports

4) Valuation Procedures, Nonresidential Properties--30 hours (IL IV). This course curriculum focuses on the appraisal of nonresidential properties and provides a practical solution for estimating value by an in-depth study of appraisal theory and the development of advanced valuation skills. Topics are:

- A) Basic Statistics
- B) Site Valuation - Sales Comparison
- C) Site Valuation - Allocation/Extraction
- D) Site Valuation - Subdivision Analysis/Other Methods
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Approach - Income Estimates

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- R) Income Approach - Expense Estimates
- S) Income Approach - Capitalization Rates
- T) Income Approach - Direct Capitalization
- U) Income Approach - Income Multipliers
- V) Income Approach - Application
- W) Appraisal Reports

5) Income Capitalization--30 hours (IL V). Courses in this curriculum are to provide alternative methods of estimating present value based on income forecasts. These courses focus on more advanced capitalization methods and techniques. Topics include:

- A) Six Functions of \$1
- B) Gross Income Estimates
- C) Vacancy and Collection Loss
- D) Operating Expense Estimates
- E) Reserves for Replacement
- F) Operating Statement Ratios and Multipliers
- G) Debt Service/Equity Dividend
- H) Direct Capitalization
- I) Overall Rate Development - Market Extraction
- J) Overall Rate Development - Band of Investment
- K) Overall Rate Development - Ratios/Multipliers
- L) Overall Rate Development - Residual Techniques
- M) Equity Dividend Rate
- N) Debt Coverage Ratio
- O) Cash Flow Estimates
- P) Reversion Estimates
- Q) Discount and Yield Rates
- R) Yield Capitalization Overview
- S) Discounted Cash Flow Analysis Overview
- T) Lease Provisions, Analysis and Valuation
- U) Lease Analysis
- V) Partial Interest Valuation

6) Courses in the IL E curriculum (electives) are courses with topics that are considered more advanced; and/or cover appraisal topics not covered in the core course curricula. Credit for elective hours can be achieved by successful completion of courses approved in the IL E curriculum or by successful completion of courses with excess hours approved and allocated for elective credit in accordance with subsection (c)(9) of this Section.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 7) Each pre-license/certification course shall be a minimum of 15 credit hours.
- 8) All pre-license/certification courses shall include a final examination.
 - A) Each final exam for curricula IL II, IL III, IL IV, IL V and IL E (elective) courses shall consist of a minimum of 50 questions; however, courses approved for 15 hours credit may have a final examination with 25 questions.
 - B) The final exam for IL I courses shall consist of a minimum of 25 questions.
 - C) The applicant shall pass the examination in order to obtain credit for a course. A passing score shall be a minimum of 70% of examination questions answered correctly.
- 9) If 80% of the required topics for IL II through IL V courses are presented, the course shall be approved for the minimum required hours. Two 15 hour courses from a single provider may be approved to meet a 30 hour curriculum requirement, provided the courses together cover a minimum of 80% of the required curriculum topics. An application for one 15 hour course in a curriculum requiring 30 hours will be denied. For courses in the IL I curriculum 100% of the listed topics must be covered. IL E courses will be approved based upon the Committee's review of the course as to the value of topics to be presented and their relationship to the appraisal process.
 - A) Classroom hours in excess of the curriculum requirement may be approved for elective credit. Such approval is limited to 9 excess hours for courses in a 30 hour curriculum requirement and 5 excess hours for courses in a 15 hour curriculum requirement.
 - B) Excess hours may be approved, within the above limits based upon the Committee's evaluation of the appraisal educational value of the excess hours.
- 10) All changes in course content shall be submitted to the Department for review and evaluation.
- 11) The license for all pre-license/certification courses shall expire 36 months from the date of issue. An approved provider may renew the course approval by filing a new application in accordance with the provisions of

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

this Section. The new application should be filed 60 days prior to the expiration of the license.

d) CE Course Requirement

1) Courses licensed by the Department for pre-license/certification appraiser education are approved for CE credit. The renewal applicant will be awarded credit for attendance at these courses provided the license for the course was valid and in good standing at the time of attendance; and provided the course is not repetitious as indicated by Section 1455.205. CE credit for pre-licensure certification education will be awarded as 15 hours for 15 hour courses and 20 hours for 30 (or more) hour courses.

2) CE courses shall be approved by the Appraisal Administrator, upon the recommendation of the Committee, for courses with or without a final examination.

3) The application for each course approval shall include a description of the course, a course (or instructor's) outline that shall list the time frame for topic presentation, the number of classroom instruction hours excluding examination, the time allotted for examination (if any), the specific course name as it will appear on transcripts or course certifications, a sample of the certificate, the transcript or other documentation that will be used to document the student's attendance and any other information that may be required by the Department.

A) An applicant may be required to submit texts and all other course materials for evaluation by the Appraisal Committee.

B) The application for CE courses being offered by a sub-provider shall also include a certification in accordance with subsection (b)(3) of this Section.

4) The Committee/Administrator shall approve courses that would contribute to the integrity, extension and enhancement of professional skills and knowledge in the practice of Real Estate Appraisal. Courses submitted for approval should be designed to cover at least one of the following topics:

- A) Ad Valorem Taxation
- B) Arbitration
- C) Business Courses (related to practice of real estate appraisal)
- D) Construction Cost Estimating

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- E) Ethics and Standards of Professional Practice
- F) Illinois Appraiser Licensing Laws and/or Rules
- G) Land Use, Planning, and Zoning
- H) Property Development
- I) Real Estate Appraisal (valuation/evaluation)
- J) Real Estate Management, Leasing, Brokerage, Timeshare
- K) Real Estate Law
- L) Real Estate Litigation
- M) Real Estate Finance or Investment
- N) Appraisal Computer Applications
- O) Real Estate Securities and Syndications
- P) Real Property Exchange
- Q) Other topics deemed appropriate by the Committee/Administrator.

5) The Committee/Administrator shall not approve:

- A) Motivation courses or seminars
- B) Courses that focus instruction to increase appraiser income
- C) Courses or seminars that focus on the recruitment of employees or clients
- D) Courses or seminars with instructional material relative to associations
- E) Courses or seminars with instructional material relative to passing the State's appraiser examination
- F) Having less than three classroom hours of instruction exclusive of examination (if any)
- G) A course for more than 20 hours CE credit.

6) Subsequent to approval of any CE course, revisions in course content and/or course material shall be submitted for re-evaluation and re-approval. Failure to report course changes may result in revocation of the CE course license. The fee for re-approval shall be in accordance with Section 1455.210.

7) Approval (license) for CE courses shall expire on ~~December 31~~ March 31 of even numbered years. The provider or sub-provider may renew the approval (license) by filing a new application in accordance with the provisions of this Section.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

e) Audits and Inspections. The Department may conduct on site inspections of the course provider's (or sub-provider's) place of business and may audit any session of any course approved for pre-license or CE credit.

1) At the request of the Appraisal Administrator, a course provider shall provide a list of all courses that the provider is planning to offer within a 6 month period subsequent to the request. The list shall include the name and license number of each course, as well as the date, time and location of each presentation.

2) In the event of a course audit, the provider shall provide the Department representative, at no cost, any and all course materials used in the presentation of the course being audited.

3) The Appraisal Administrator, a member of Administrator's staff, an Appraisal committee member or other designated Department employee may inspect the business office of any course provider (or sub-provider) during normal business hours.

f) Withdrawal of Approval

1) The Department, upon recommendation of the Real Estate Appraisal Committee, shall withdraw, suspend or place on probation in accordance with 68 Ill. Adm. Code 1110 the approval of the real estate appraiser education provider when the quality of the program fails to continue to meet the established criteria of an approved provider as set out in this Section or upon determination that the decision to approve the program was based upon false or deceptive information.

2) The provider's license will terminate immediately upon the failure to renew. Course licenses will terminate upon the expiration date or immediately upon the termination of the provider's license. The provider may thereafter reapply for approval as an appraiser education provider and for course approval.

(Source: Amended at 18 Ill. Reg. _____, effective **MAY 24 1994**)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Narrative and Planning Policies

2) Code Citation:

77 Ill. Adm. Code 1100

3) Section Numbers:

1100.740

4) Statutory Authority:

Health Facilities Planning Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.
20 ILCS 3960

5) Effective Date of Rules:

July 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes" please specify date: NA

7) Does this Rulemaking Contain any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.06(b) ___

8) Date Filed in Agency's Principal Office:

July 1, 1994

9) Date Notice of Proposal was Published in Illinois Register:

17 Ill. Reg 8144 - 6/4/93

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to these rules? Yes ___ No X

Adopted Action:

- New Section

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

11) Difference Between Proposal and Final Version:

Note: Many of the changes in these rules were mandated by the approval of HB 1852/PA 88-490 (Ryder/Topinka, effective 9/10/93) which changed the number and type of models that are to be approved.

- A) In 1100.740 a) references were added to items 4 and 5 to refer to this Section.
- B) In 1100.740 c) occupancy target for the service was reduced to 75% based on public hearing testimony.
- C) In 1100.740 e) the language of the rule was modified to address the statutory changes involving the required conversion of a closed hospital building and the new requirements concerning the expanded need to four models in rural areas.
- D) In 1100.740 g) a new subsection was added to address the use of an assigned model by another provider type if no permits have been issued. This material was previously contained in the need subsection of this rule.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ___ No X

14) Are there any other Amendments Pending on this Part? Yes ___ No X15) Summary and Purpose of Rules:

The purpose for the rules is to develop need formula and location standards that will be utilized in the evaluation of competing applications to establish 13 subacute hospital care programs being developed as models under the Alternative Health Care Delivery Act.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES
SUBPART A: GENERAL NARRATIVE

Section	
1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

SUBPART B: GENERAL DEFINITIONS

Section	
1100.210	Introduction
1100.220	Definitions

SUBPART C: PLANNING POLICIES

Section	
1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy/Utilization Standards
1100.380	Systems Planning
1100.390	Quality
1100.400	Location

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section	
1100.510	Introduction, Formula Components and Planning Area Development
1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness Categories of Service
1100.570	Substance Abuse Category of Service
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Category of Service
1100.600	Therapeutic Radiology Equipment
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	Chronic Renal Dialysis Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term Care Category of Service
1100.670	Specialized Long-Term Care Categories of Service
1100.680	Magnetic Resonance
1100.690	High Linear Energy Transfer (L.E.T.)
1100.700	Positron Emission Tomographic Scanning (P.E.T.)
1100.710	Extracorporeal Shock Wave Lithotripsy
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model

APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code:
Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 11151 et seq.) [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days;

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344; effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 1100.740 Subacute Care Hospital Model

a) Planning Areas:

- 1) the City of Chicago;
- 2) Cook County outside the City of Chicago;
- 3) DuPage, Kane, Lake, McHenry, and Will Counties;
- 4) Municipalities with a population greater than 50,000 not located in the areas described in subsections (a) (1), (2), and (3) of this Section. Municipality means a geographic area designated as a Metropolitan Statistical Area by the Bureau of the Census; and
- 5) Rural areas, i.e. all areas exclusive of subsections (a) (1), (2), (3), and (4) of this Section.

b) Age Groups: All agesc) Occupancy Targets: Modernization/Establishment 75%d) Bed Capacity:

- 1) the lesser of measured bed capacity or functional bed capacity per individual room utilized for subacute care for facilities licensed or operated pursuant to the Hospital Licensing Act (Ill. Rev Stat. 1991, ch. 111 1/2, par. 142 et seq.) (210 ILCS 85); or
- 2) the licensed bed capacity per individual room utilized for subacute care for facilities licensed pursuant to the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) (210 ILCS 45).
- e) Need Determination: There shall be no more than:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Three subacute alternative health care models in the city of Chicago: one in an existing licensed hospital, one in an existing licensed long-term care facility and one LOCATED ON A DESIGNATED SITE WHICH SHALL HAVE BEEN LICENSED AS A HOSPITAL UNDER THE ILLINOIS HOSPITAL LICENSING ACT WITHIN THE TEN YEARS IMMEDIATELY BEFORE THE APPLICATION FOR A LICENSE (Section 30 of Alternative Health Care Delivery Act, P.A. 210 ILCS 3/30) but which is not now currently operating as such.
- 2) Two subacute alternative health care models in Cook County outside the city of Chicago: one of which must be located in an existing licensed hospital and the other in an existing licensed long-term care facility.
- 3) Two subacute alternative health care models in DuPage, Kane, Lake, McHenry and Will Counties: one of which must be located in an existing licensed hospital and the other in an existing licensed long-term care facility.
- 4) Two subacute alternative health care models in municipalities with a population greater than 50,000 not located in areas included in subsections (e) (1), (2) or (3) of this Section, one of which must be located in an existing licensed hospital and the other in an existing licensed long-term care facility.
- 5) Four subacute alternative health care models in rural areas: two of which must be located in existing licensed hospitals and the other two in existing long-term care facilities.

f) Beds approved for a subacute care hospital model shall be inventoried for the category of service utilized prior to permit issuance during the demonstration period.

g) If after a period of one year from the effective date of this regulation, the need in a planning area for a subacute care hospital model to be located in either an existing licensed hospital or long-term care facility has not been met, the need may be met by either an existing hospital or an existing long-term care facility.

(Source: Added at 18 Ill. Reg. _____, effective JUL 01 1994.)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part:

Processing, Classification Policies and Review Criteria

2) Code Citation:

77 Ill. Adm. Code 1110

3) Section Numbers:

1110.2510 New Section
 1110.2520 New Section
 1110.2530 New Section
 1110.2540 New Section
 1110.2550 New Section

Adopted Action:4) Statutory Authority:

Health Facilities Planning Act
 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.)
 [20 ILCS 3960]

5) Effective Date of Rulemaking:

July 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No ✓If "yes," please specify date: 7) Does this Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

July 1, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

June 4, 1993 (17 Ill. Reg. 8149)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to these

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

rules? Yes No ✓11) Difference Between Proposal and Final Version:

A) In Section 1110.2510 Introduction, Subsection (a) the text of the rule was modified to delete a reference to the additional beds criteria which due to testimony received was eliminated as a review requirement. A reference to the financial rules was added to clarify requirements. The major change to the section occurred in Subsection (b) which involved the deletion of language concerning violation of the establishment requirements. The new language was established due to statutory changes which stated that only promoting a program to the public as a subacute care hospital model was a violation of the law. The new language reflects these modifications. In Subsection (c) new language establishes a data collection requirement which due to the investigative nature of the model was determined to be a required element.

B) In Section 1110.2530 Subacute Care Hospital Model-Review Criteria, Subsection (a) public testimony prompted the State Board to modify staffing requirements to clarify that requirements applied only to nursing staff and to add data requirements concerning how specialty services are provided and how costs for contracted personnel would be allocated. In Subsection (b) the language was modified to react to a statutory change which created a new type of program which must be established in a closed hospital in Chicago. The rules were restructured to reflect nursing home models, hospital models and the new closed facility model.

C) In Section 1110.2540 Subacute Care Hospital Model-State Board Review, Subsection (a) the required conditions were restricted to this Section. The reason for this change was in response to public testimony which suggested that the prioritization process be segmented into the three facility components (hospital, nursing home and closed facility). As the reviews are comparative in nature the State Board felt that by segmenting the prioritization rules only facilities of like type would be reviewed against each other. No provider type would have a review advantage because of the type of services offered at the facility.

In Subsection (b) the rules were modified to apply only to hospital projects. In new language found in (D), new statutory requirements were included which required priority to be given to financially troubled hospitals in rural areas which could benefit by the establishment of this model. In (F), the concept of a referral network was expanded to include both nursing homes and hospitals. This was done to allow combined service networks to be acknowledged as a positive factor. In (G), the term 'at the applicant facility' was added to clarify. The lowest per diem charge criteria

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

was eliminated due to concerns over data reliability. In (H), the definition of subacute service was expanded to include rehabilitation patients of selected types. The language was also revised to allow facilities which had multi-institutional agreements to use all facilities in the system to generate historical referral data. In (I), the term managed care plans was deleted and the required percentage of patients dropped from 75% to 25%. This change was made due to definition issues over the term managed care and that HMO's and PPO's generated a much smaller percentage of business than was anticipated. In (J), testimony prompted the State Board to clarify the language to revocation and decertification. In (K), new language was added in response to testimony that asked that some weight be given to Joint Accreditation. In (L), the Board established points for specialty staff. This occurred due to the reduction of required staff to only nursing staff. In (M), a new standard relating to mean net margin was established. This standard replaced the proposed per diem standard. The Board felt audited data would be accurate and would address the issue. In (2), concerning the point totals the rule was amended to be specific to only hospitals and language added to allow the Board to break ties utilizing location, scope of service and access.

In Subsection (c) comparison standards were established for only long-term care facilities. While this material is new language, it does represent the conversion of previously proposed regulations tailored to this specific type of facility. The new Subsection (d) represents new language specific to the new category of facility reflecting a closed hospital in Chicago.

- C) In Section 1110.2550 (a) additional language was added to cover the discontinuation of a model and the actions that would be taken by the Board if such an event occurred.

In Subsection (c) new language was added in response to testimony that would terminate a permit if the model was not operational in 12 months. The reason for this action was to insure that no applicant could hold a permit without providing the model services.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

- 15) Summary and Purpose of Rules:

The purpose for the rules is to develop review criteria and ranking standards that will be utilized in the evaluation of competing applications to establish 13 subacute hospital care programs being developed as models under the Alternative Health Care Delivery Act.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section	
1110.10	Introduction to Part 1110
1110.20	Projects Required to Obtain a Permit (Repealed)
1110.30	Processing and Reviewing Applications
1110.40	Classification of Projects
1110.50	Recognition of Services Which Existed Prior to Permit Requirements
1110.55	Recognition of Non-Hospital Based Ambulatory Surgery Category of Service
1110.60	Master Design Projects

SUBPART B: REVIEW CRITERIA-DISCONTINUATION

Section	
1110.110	Introduction
1110.120	Discontinuation-Definition
1110.130	Discontinuation-Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL PROJECTS OTHER THAN DISCONTINUATION

Section	
1110.210	Introduction
1110.220	Definitions-General Review Criteria
1110.230	General Review Criteria
1110.235	Additional General Review Criteria
1110.240	Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATED TO ALL PROJECTS INVOLVING
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE
IN BED CAPACITY

Section	
1110.310	Introduction
1110.320	Bed Related Review Criteria

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section	
1110.410	Introduction
1110.420	Modernization Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA-
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section	
1110.510	Introduction
1110.520	Medical/Surgical, Obstetric, Pediatric and Intensive Care-Definitions
1110.530	Medical/Surgical, Obstetric, Pediatric and Intensive Care-Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA-COMPREHENSIVE
PHYSICAL REHABILITATION

Section	
1110.610	Introduction
1110.620	Comprehensive Physical Rehabilitation-Definitions
1110.630	Comprehensive Physical Rehabilitation-Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA-ACUTE MENTAL ILLNESS

Section	
1110.710	Introduction
1110.720	Acute Mental Illness-Definitions
1110.730	Acute Mental Illness-Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA-SUBSTANCE ABUSE

Section	
1110.810	Introduction
1110.820	Substance Abuse-Definitions
1110.830	Substance Abuse-Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA-
NEONATAL INTENSIVE CARE

Section	
1110.910	Introduction
1110.920	Neonatal Intensive Care-Definitions
1110.930	Neonatal Intensive Care-Review Criteria

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA-BURN TREATMENT

Section

1110.1010 Introduction
 1110.1020 Burn-Definitions
 1110.1030 Burn Treatment-Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA-THERAPEUTIC RADIOLOGY

Section

1110.1110 Introduction
 1110.1120 Therapeutic Radiology-Definitions
 1110.1130 Therapeutic Radiology-Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA-OPEN HEART SURGERY

Section

1110.1210 Introduction
 1110.1220 Open Heart Surgery-Definitions
 1110.1230 Open Heart Surgery-Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA-CARDIAC CATHETERIZATION

Section

1110.1310 Introduction
 1110.1320 Cardiac Catheterization-Definitions
 1110.1330 Cardiac Catheterization-Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA-CHRONIC RENAL DIALYSIS

Section

1110.1410 Introduction
 1110.1420 Chronic Renal Dialysis-Definitions
 1110.1430 Chronic Renal Dialysis-Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA-NON-HOSPITAL BASED AMBULATORY SURGERY

Section

1110.1510 Introduction

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1110.1520 Non-Hospital Based Ambulatory Surgery-Definitions
 1110.1530 Non-Hospital Based Ambulatory Surgery-Projects Not Subject to This Part
 1110.1540 Non-Hospital Based Ambulatory Surgery-Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA-COMPUTER SYSTEMS

Section

1110.1610 Introduction(Repealed)
 1110.1620 Computer Systems-Definitions(Repealed)
 1110.1630 Computer Systems-Review Criteria(Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA-GENERAL LONG-TERM CARE

Section

1110.1710 Introduction
 1110.1720 General Long-Term Care-Definitions
 1110.1730 General Long-Term Care-Review Criteria

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA-SPECIALIZED LONG-TERM CARE

Section

1110.1810 Introduction
 1110.1820 Specialized Long-Term Care-Definitions
 1110.1830 Specialized Long-Term Care-Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA-MAGNETIC RESONANCE

Section

1110.1910 Introduction
 1110.1920 Magnetic Resonance-Definitions
 1110.1930 Magnetic Resonance-Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA-HIGH LINEAR ENERGY TRANSFER (L.E.T.)

Section

1110.2010 Introduction
 1110.2020 High Linear Energy Transfer (L.E.T.)-Definitions
 1110.2030 High Linear Energy Transfer (L.E.T.)-Review Criteria

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA-POSITRON
EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section	Introduction
1110.2110	Positron Emission Tomographic Scanning (P.E.T.)-Definitions
1110.2120	Positron Emission Tomographic Scanning (P.E.T.)-Review Criteria
1110.2130	

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA-EXTRACORPOREAL
SHOCK WAVE LITHOTRIPSY

Section	Introduction
1110.2210	Extracorporeal Shock Wave Lithotripsy-Definitions
1110.2220	Extracorporeal Shock Wave Lithotripsy-Review Criteria
1110.2230	

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA-SELECTED
ORGAN TRANSPLANTATION

Section	Introduction
1110.2310	Selected Organ Transplantation-Definitions
1110.2320	Selected Organ Transplantation-Review Criteria
1110.2330	

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA-KIDNEY
TRANSPLANTATION

Section	Introduction
1110.2410	Kidney Transplantation-Definitions
1110.2420	Kidney Transplantation-Review Criteria
1110.2430	

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA-SUBACUTE
CARE HOSPITAL MODEL

Section	Introduction
1110.2510	Subacute Care Hospital Model-Definitions
1110.2520	Subacute Care Hospital Model-Review Criteria
1110.2530	Subacute Care Hospital Model-State Board Review
1110.2540	Subacute Care Hospital Model-Project Completion
1110.2550	

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

APPENDIX A Medical Specialty Eligibility/Certification Boards
APPENDIX B State and National Norms on Square Footage by Department
APPENDIX C Statutory Citations for all State and Federal Laws and Regulations Referenced in
Chapter 1110

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983, amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498, amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987, amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. _____, effective _____, 1994.

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA-SUBACUTE
CARE HOSPITAL MODEL

Section 1110.2510 Introduction

a) Subpart Z of this Part contains review criteria which pertain to the subacute care hospital model category of service. The subacute care hospital model category of service is a demonstration program which is authorized by the Alternative Health Care Delivery Act [210 ILCS 31]. These subacute care hospital model review criteria are utilized in addition to the General Review Criteria contained in Subpart C of this Part and in addition to the Financial and Economic Feasibility Review Criteria contained in Part 1120. This Subpart also contains the methodology the State Board shall utilize in evaluating competing applications, if any, for the establishment of any subacute care hospital models.

b) A facility at any time may be caring for subacute patients. A permit must be obtained to establish a subacute care hospital model. Existing hospitals and long-term care facilities providing subacute care are not required to obtain a permit PROVIDED, HOWEVER, THAT THE FACILITIES SHALL NOT HOLD THEMSELVES OUT TO THE PUBLIC AS SUBACUTE CARE HOSPITALS (Section 15 of the Alternative Health Care Delivery Act [210 ILCS 3/15]). Establishment of a subacute care hospital model category

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

of service occurs when a facility holds itself out to the general public as a subacute care hospital. In such instances failure to obtain a permit will result in the application of sanctions as provided for in the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960].

c) As the purpose of the demonstration project is to evaluate the subacute care hospital model for quality factors, access and the impact on health care costs, each applicant approved for the category of service will be required to periodically submit data necessary for evaluating the model's effectiveness.

d) Applications received for the subacute care hospital model shall be deemed complete upon receipt by the State Agency. Due to the comparative nature of the subacute care hospital model review, applicants will not be allowed to amend the application or provide additional supporting documentation during the review process. The application as submitted to the State Agency shall serve as the basis for all standard and prioritization evaluation.

(Source: Added at 18 Ill. Reg. _____, effective JUL 0 1 1994)

Section 1110.2520 Subacute Care Hospital Model-Definitions

a) "Subacute Care Hospital" IS A DESIGNATED SITE WHICH PROVIDES MEDICAL SPECIALTY CARE FOR PATIENTS WHO NEED A GREATER INTENSITY OR COMPLEXITY OF CARE THAN GENERALLY PROVIDED IN A SKILLED NURSING FACILITY BUT WHO NO LONGER REQUIRE ACUTE HOSPITAL CARE. THE AVERAGE LENGTH OF STAY FOR PATIENTS TREATED IN SUBACUTE CARE HOSPITALS SHALL NOT BE LESS THAN 20 DAYS, AND FOR INDIVIDUAL PATIENTS, THE EXPECTED LENGTH OF STAY AT THE TIME OF ADMISSION SHALL NOT BE LESS THAN 10 DAYS. A SUBACUTE CARE HOSPITAL IS EITHER A FREESTANDING BUILDING OR A DISTINCT PHYSICAL AND OPERATIONAL ENTITY WITHIN A HOSPITAL OR NURSING HOME BUILDING. A SUBACUTE CARE HOSPITAL SHALL ONLY CONSIST OF BEDS CURRENTLY EXISTING IN LICENSED HOSPITALS OR SKILLED NURSING FACILITIES. (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])

b) "Subacute Care" means the provision of MEDICAL SPECIALTY CARE FOR PATIENTS WHO NEED A GREATER INTENSITY OR COMPLEXITY OF CARE THAN GENERALLY PROVIDED IN A SKILLED NURSING FACILITY BUT WHO NO LONGER REQUIRE ACUTE HOSPITAL CARE. SUBACUTE CARE INCLUDES PHYSICIAN SUPERVISION, REGISTERED NURSING, AND PHYSIOLOGICAL MONITORING ON A CONTINUOUS BASIS. (Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35])

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

c) "Subacute Care Hospital Model" means a category of service for the provision of subacute care.

(Source: Added at 18 Ill. Reg. _____, effective JUL 0 1 1994)

Section 1110.2530 Subacute Care Hospital Model-Review Criteria

a) Distinct Unit--Review Criterion

The applicant must document that the proposed unit or health care facility will be primarily self-contained, physically distinct and have nursing staff dedicated to service within only that unit. Auxiliary personnel and contracted professional personnel must be available for care of unit patients but need not be dedicated to providing service to only the subacute care hospital model. Documentation shall include a physical layout of the unit detailing travel patterns to ancillary and support services and to patient and visitor access, a detailed summary of all shared services and how costs for such services will be allocated between the model and the hospital or long-term care facility. Also, the applicant must provide a detailed staffing plan which includes staff qualifications, staffing patterns for the proposed subacute care hospital and the manner in which non-dedicated staff services will be provided.

b) Contractual Relationship--Review Criterion

The applicant must document the capability to handle cases of complications, emergencies, or exigent circumstances.

1) An applicant must document, for a model to be located in a currently licensed long-term care facility, the capability through the existence of a contractual relationship (which includes a transfer agreement) with a general acute care hospital.

2) An applicant must document, for a model to be located on a designated site previously licensed as a hospital (Section 1100.740 (c)), capability through the existence of a contractual arrangement (transfer agreement) with a general acute care hospital.

3) An applicant must document, for a model to be located in a licensed hospital, that the emergency capability continues to exist in accordance with the requirements of hospital licensure.

c) Unit Size--Review Criterion

The applicant must document that the number of subacute care beds proposed will equal or exceed the minimum number established for the planning area. The minimum subacute

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

care hospital unit size is 10 beds in rural planning areas (as defined in 77 Ill. Adm. Code 1100.720(a)) and 30 beds in all other planning areas.

(Source: Added at 18 Ill. Reg. _____, effective JUL 01 1994)

Section 1110.2540 Subacute Care Hospital Model-State Board Review

a) State Board Evaluation. The State Board shall evaluate each application for the subacute care hospital model category of service based upon compliance with the conditions set forth in subsections (b), (c) and (d) of this Section.

b) State Board Prioritization of Hospital Applications

1) All hospital applications for each planning area shall be rank ordered based on points awarded as follows:

A) Compliance with all applicable review criteria of Subpart C of this Part (General Review Criteria) --- 10 Points.

B) Compliance with all review criteria of Section 1110.2530 (Subacute Care Hospital Model Review Standards) --- 10 Points.

C) Compliance with all applicable review criteria of 77 Ill. Adm. Code 1120 (Financial Review Criteria) --- 10 Points.

D) In rural areas an applicant shall be awarded 25 Points if documentation is provided that the subacute care hospital model will provide the necessary financial support for the facility to provide continued acute care services. Such documentation shall consist of:

- i) Factors within the facility or area that, within the next two years, will prevent the facility from complying with the minimum financial ratios established in Part 1120 concerning facility financial viability (a current ratio exceeding 1.5, a net margin percentage greater than 3%, a percent debt to total capitalization ratio of less than 80% and a projected debt service coverage ratio greater than 1.5) within the next two years; and
- ii) Historical documentation that the facility has failed to comply with the minimum financial ratios referenced above, in each of the last three calendar years; and
- iii) Projected revenue from the subacute hospital care model and the positive impact of such revenue on the financial position of the

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

applicant facility. The applicant must explain how such revenue will impact the facility's financial position such that the facility will comply with the financial viability ratios of Part 1120 referenced above; or

iv) Projected revenue from the subacute hospital model will be sufficient to operate such subacute care hospital model in compliance with the financial viability ratios of Part 1120 referenced above, or that the applicant facility has entered into a binding agreement with another institution which guarantees the financial viability of the subacute hospital model in accordance with the ratios established in Part 1120 referenced above for a period of at least five (5) years, regardless of the financial ratios of the applicant facility.

E) Location in a medically underserved area (as defined by the Department of Health and Human Services (Section 332 of the Public Health Service Act)(42 U.S.C. 254E) as a health professional shortage area) ---3 Points.

F) A multi-institutional system arrangement exists for the referral of subacute patients where the applicant facility serves as the receiving facility for such a system. A multi-institutional system consists of a network of licensed hospitals and long-term care facilities located within the planning area and within 60 minutes travel time of the applicant which are inter-related by contractual agreement which provides for an exclusive best effort arrangement concerning the transfer of patients between facilities. Best effort arrangement means the referring facility will encourage and recommend to its medical staff that patients requiring subacute care will only be transferred to the applicant facility ---1 Point per each additional facility in the multi-institutional system to a maximum of ten points.

G) The existence of Medicare and Medicaid certification at the applicant facility and historic volume at the applicant facility. The following point allocation will be applied:

- i) In the last calendar or fiscal year medicare/medicaid patient days were between 10% and 25% of total facility patient days --- 2 Points.
- ii) In the last calendar or fiscal year medicare/medicaid patient days were between 26% and 50% of total facility patient days --- 4 Points.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- iii) In the last calendar or fiscal year medicare/medicaid patient days exceeded 50% of total facility patient days --- 6 Points.

H) If in each of the last five calendar years the applicant facility documents a casemix consisting of: ventilator cases, head trauma cases, rehabilitation patients including spinal cord injuries, amputees and patients with orthopaedic problems requiring subacute care or patients with multiple complex diagnoses which included physiological monitoring on a continual basis, of such magnitude that if placed in the proposed subacute facility these patients would have constituted an annual occupancy exceeding 75% in each past year. If a multi-institutional system, as defined in subsection (b)(1)(F) of this Section, has an exclusive best efforts agreement, then each of the cases listed in this subsection from such signatory facilities may be counted in computing the 75% annual occupancy threshold. --- 5 Points.

I) The applicant has documented that during the last calendar year at least 25% of all patient days of the applicant facility were reimbursed through contractual relationships with preferred provider organizations or HMO's. --- 3 Points.

J) If the applicant over the last five calendar year period has been issued a notice of revocation of license from the Department of Public Health or has been decertified from the federal Title XVIII or XIX programs. --- Loss of 25 Points.

K) The applicant institution is accredited by the Joint Commission on Accreditation of Healthcare Organizations --- 3 Points and 1 additional Point if accreditation is "with commendation."

L) Staff support for the subacute care hospital model:

- i) Full time medical director exclusively for the model --- 1 Point.
- ii) Physical therapist, 2 full-time equivalents (FTE's) or more --- 1 Point.
- iii) Occupational therapist, 1 FTE or more --- 1 Point.
- iv) Speech therapist, 1 FTE or more --- 1 Point.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- M) In areas where competing applications have been filed, 3 Points will be allocated to the applicant with the lowest positive mean net margin over the last three fiscal years. Each applicant must submit copies of the audited financial reports of the applicant facility for the latest three fiscal years.

2) Required Point Totals - Hospital Applications

A hospital application for the development of a subacute care hospital model must obtain a minimum of 50 points for approval. The applicant within the planning area receiving the most points shall be granted the permit for the category of service if the minimum point total has been exceeded. In the case of tie scores the State Board shall base its decision on considerations relating to location, scope of service and access.

c) State Board Prioritization - Long-term Care Facilities

1) All long-term care applications for each planning area shall be rank ordered based on points awarded as follows:

A) Compliance with all applicable review criteria of Subpart C (General Review Criteria) --- 10 Points

B) Compliance with all review criteria of Section 1110.2530 (Subacute Care Hospital Model Review Criteria) --- 10 Points

C) Compliance with all applicable review criteria of Part 1120 (Financial and Economic Review Criteria) --- 10 Points

D) The applicant has had an Exceptional Care Contract with the Illinois Department of Public Aid for at least two years in the past four years --- 3 Points

E) Location in a medically underserved area (as defined by the Department of Health and Human Services (Section 332 of the Public Health Service Act)(42 U.S.C. 254E) as a health professional shortage area) --- 3 Points

F) The existence of medicare and medicaid certification at the applicant facility and historic volume at the facility. The following point allocation will be applied:

- i) In the last calendar year or fiscal year medicare/medicaid patient days were between 10% and 25% of total facility patient days. --- 3 Points

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

ii) In the last calendar or fiscal year medicare/medicaid patient days were between 26% and 50% of total facility patient days. --- 6 Points

iii) In the last calendar or fiscal year medicare/medicaid patient days exceeded 50% of total facility patient days. --- 9 Points

G) If in each of the last two calendar years the applicant institution documents a casemix consisting of: ventilator cases, head trauma cases, rehabilitation patients including stroke cases, spinal cord injury, amputees and patients with orthopaedic problems requiring subacute care or patients with multiple complex diagnoses which included physiological monitoring on a continual basis, of such magnitude that if placed in the proposed sub-acute facility these patients would have constituted an annual occupancy exceeding 50% in each past year. If a multi-institutional system, as defined in subsection (c)(1)(M) of this Section, has an exclusive best efforts agreement, then each of the cases listed in this subsection from such signatory facilities may be counted in computing the 50% annual occupancy threshold. --- 5 Points

H) The applicant has documented that during the last calendar year at least 20% of all patient days of the applicant facility were reimbursed through contractual relationships with preferred provider organizations or HMO's. --- 3 Points

I) If the applicant over the last five year period has been issued a notice of revocation of license from the Department of Public Health or decertified from the federal Title XVIII or XIX programs. --- Loss of 25 Points

J) Staff support for the subacute care hospital model:

i) Full time medical director exclusively for the model. --- 1 Point

ii) Physical therapist, 2 full time equivalents (FTE's) or more. --- 1 Point

iii) Occupational therapist, 1 FTE or more. --- 1 Point

iv) Speech therapist, 1 FTE or more --- 1 Point

K) In areas where competing applications have been filed, 3 Points will be allocated to the application with the lowest positive mean net margin over the last three fiscal years. Each applicant must submit copies of the audited financial reports of the applicant facility for the latest three fiscal years.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

L) The applicant institution is accredited by the Joint Commission on Accreditation of Healthcare Organizations --- 3 Points and 1 additional Point if accreditation is "with commendation."

M) A multi-institutional system arrangement exists for the referral of sub-acute patients where the applicant facility serves as the receiving facility for such a system. A multi-institutional system consists of a network of licensed hospitals and long-term care facilities located within the planning area and within 60 minutes travel time of the applicant which are inter-related by contractual agreement which provides for an exclusive best effort arrangement concerning the transfer of patients between facilities. Best effort arrangement means the referring facility will encourage and recommend to its medical staff that patients requiring subacute care will only be transferred to the applicant facility. --- 1 Point per each additional facility in the multi-institutional system to a maximum of ten points.

2) A long-term application for the development of a subacute care hospital model must obtain a minimum of 50 points for approval. The applicant within the planning area receiving the most points shall be granted the permit for the category of service if the minimum point total has been exceeded. In the case of tie scores the State Board shall base its selection on considerations relating to location, scope of service and access.

d) State Board Prioritization of Previously Licensed Hospital Applications in Chicago

1) All applications for sites previously licensed as hospitals in Chicago shall be rank ordered based upon points awarded as follows:

A) Compliance with all applicable review criteria of Subpart C of this Part (General Review Criteria) --- 10 Points

B) Compliance with all review criteria of Section 1110.2530 (Subacute Care Hospital Model Review Standards) --- 10 Points.

C) Compliance with all applicable review criteria of 77 Ill. Adm. Code 1120 (Financial Review Criteria) --- 10 Points.

D) Documentation that the proposed number of beds will be utilized at an occupancy rate of 75% or more within two years after permit approval. Documentation shall consist of historical subacute caseload from one or more referral facilities where such caseload would in the future be transferred to the subacute model for care, anticipated caseload from physician referrals to the unit and demographic studies projecting the

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

need for subacute service within the primary market of the proposed subacute hospital care model. --- 10 Points

2) Required Point Totals - Previously Licensed Hospitals

The applicant within the planning area receiving the most points shall be granted the permit for the category of service. In the case of tie scores the State Board shall base its selection on considerations relating to location, scope of service and access.

(Source: Added at 18 Ill. Reg. _____, effective JUL 0 1 1994)

Section 1110.2550 Subacute Care Hospital Model-Project Completion

a) Since the purpose for establishment of this category of service is to evaluate the alternative delivery model for effectiveness, such projects are not complete until such time as the model is evaluated and the decision made to adopt or not adopt the model as an ongoing licensed level of service separate from an alternative delivery model. A discontinuation permit will not be required of a facility holding a subacute care hospital model permit if the facility elects to discontinue the model but retain licensed subacute care beds. The subacute care hospital model project shall be considered complete as of the date the Agency is notified of the discontinuation. If during the course of the model evaluation period an approved provider of the subacute hospital care model elects to discontinue the category of service, a replacement provider of the same type may be approved by the State Board. If a need for an additional subacute care hospital model exists applications shall be approved in accordance with Section 1110.2540. Any alteration to the subacute care hospital model during the life of the permit is subject to State Board review.

b) All assurances and charges for service presented in the application shall be in effect for the life of the permit unless altered pursuant to the approval of the State Board.

c) A subacute care hospital model shall have 12 months from the date of permit issuance to become operational. Failure to begin operation in this time period shall result in the permit becoming null and void.

(Source: Added at 18 Ill. Reg. _____, effective JUL 0 1 1994)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Discipline and Behavior Management in Child Care Facilities

2) Code Citation: 89 Ill. Adm. Code 384

3) Section Number: Emergency Action:

384.5 Amendment

4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1]

5) Effective Date of Amendments: May 20, 1994

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable.

7) Date Filed in Agency's Principal Office: May 20, 1994

8) Reason for Emergency: The Department is adopting these emergency amendments to resolve a long standing issue regarding the appropriate age for the use of confinement which has resulted in the operation of unlicensed child care facilities in the State of Illinois for more than ten years and has cost the state significant matching Federal funds.

9) A Complete Description of the Subjects and Issues Involved: The Department of Children and Family Services adopted Part 384, Discipline and Behavior Management in Child Care Facilities, on November 15, 1982. Shortly thereafter, child care facilities who used confinement as a behavior management technique for children who had not attained the age of 12 years were cited for a violation of the newly enacted rules and their license revoked. Subsequent actions to close these child care facilities were not successful, so the facilities continued to operate without licenses. These child care facilities provide contractual services to the clientele of several human service agencies, are highly regarded as competent clinical treatment facilities, receive good reviews from DCFS and other state agencies, and serve a significant number of difficult young children for whom there are few other resources within the state. Nonetheless, these facilities continued to operate without licenses because Department rule section 384.5 (c) did not allow licensure of child care facilities who used confinement for children under 12 years of age.

This issue continued to be a point of controversy and was one of the issues to be specifically addressed by the B. H. Reform Panel on Restraint, Seclusion, and the Administration of Psychotropic Medications. This B. H. Reform Panel was composed of highly qualified legal, clinical, and professional staff. After nearly one year of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

deliberations, the Reform Panel released a comprehensive report on the matters before it. With regard to the use of confinement for children, the Reform Panel recommended that the age specified in the Department's rules did not have a basis in the clinical literature or the law. The Reform Panel recommended, and the Department has accepted, that the minimum age for the confinement of children be established at the age of six. Children age six and over are able developmentally to understand the reason for their confinement and to learn from the experience.

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

12) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Office of Rules and Procedures

Address: Department of Children and Family Services
406 E. Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Phone: (217) 524-1983
TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 384
DISCIPLINE AND BEHAVIOR MANAGEMENT IN CHILD
CARE FACILITIES

Section

384.1 Purpose

384.2 Definitions

384.3 Use of Discipline

384.4 Limitations of Discipline

384.5 Behavior Management Techniques

EMERGENCY

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq) [225 ILCS 10/1].

SOURCE: Adopted and codified at 6 Ill. Reg. 13713, effective November 15, 1982; emergency amendments at 18 Ill. Reg. _____, effective May 20, 1994, effective for a maximum of 150 days.

Section 384.5 Behavior Management Techniques
EMERGENCY

a) No child care facility shall use any behavior management technique unless approved by its governing body and the Department of Children and Family Services. Licensed child care facilities who are using any of the behavior management techniques described in this Section shall secure approval of their governing bodies and the Department within 90 days of adoption of this Part. Such facility or supervising agency shall establish a written plan for the use of the technique(s) which:

- 1) details the purpose, scope and limits of the technique,
- 2) clearly describes personnel, methods and procedures by which the technique is administered;
- 3) is approved, and reviewed at least every two years, by the governing

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

body of the facility and the Department of Children and Family Services;
 4) provides for professional involvement and responsibility in administration and supervision of the technique;

5) provides that all persons using the technique are trained and supervised in the technique;

6) provides that documentation of training in use of the technique is in the personnel files of those empowered to use the technique;

7) describes the procedure for recordkeeping and data collection for review by the administration of the facility subject to review by Department of Children and Family Services personnel specifically designated by the Director of the Department and by other departments contracting for the facility's services;

8) provides for informing youth and agencies referring youth about the technique and procedures for its administration prior to a youth's admission to the facility;

9) provides that the technique is used on an individual basis with adequate procedures to preclude administration of the technique with respect to a child whose treatment plan counterindicates the use of the technique; and

10) provides that the only techniques which may be used are those as described in subparagraphs (b) through (e) below. If a child care facility wishes to utilize any behavior management technique not specified below, the processes identified in subparagraphs (a) (1) through (9) above are applicable.

b) Physical restraint shall be administered as an emergency, temporary technique to be used only provided:

1) non-physical disciplinary means (Section 384.4 (d)) have been attempted and are not proven effective, or the emergent nature of the situation precludes attempting non-physical means;

2) physical restraint shall cease as soon as the youth has regained control or other behavior management techniques are administered.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

3) physical restraint shall be administered in such a manner to avoid provoking further and more violent behavior in the youth;

4) Physical restraint shall not consist of, or be accompanied by, the use of mechanical restraints, striking, hitting, punching, wrestling, or the use of excessive or unnecessary force;

5) physical restraint is only employed by caretakers specifically trained in passive physical restraint techniques;

6) each use of physical restraint shall be reported as soon as practicable and a written record forwarded within 24 hours, to the administrator of the facility, and to the assigned caseworker or other person designated by the administrator;

7) the administrator of the facility or designee shall review all written records of physical restraint daily and shall inquire into the reasons for excessive use of physical restraint by any staff; and

8) upon request, the child's parent(s) (unless parental rights have been terminated), guardian and attorney shall be notified within 24 hours when a child is subjected to physical restraint.

c) Confinement is limited to children six years of age and over who pose an imminent danger to themselves or others and may be administered provided the facility has submitted a written plan for the administration of this confinement which has been approved by its governing body and the Department. Confinement may be administered provided: ~~only to children over the age of 11 years who pose an imminent danger to themselves or others and may be administered provided:~~

1) non-physical disciplinary means or physical restraint have been attempted and are not proven effective, or are inappropriate to prevent harm to the child or others or damage to property;

2) the use of confinement is under the direct management and supervision of clinically trained staff (social work, psychology, psychiatry);

3) confinement shall be in a room (whether locked or unlocked) which is adequately heated, lighted, ventilated and suitably furnished;

4) all periods of confinement shall not exceed 2 hours in any 8 hour period;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 5) no period of confinement shall be employed unless ordered by a social work supervisor (or a similarly qualified staff person), specifically designated by the administrator of the facility and who is trained in the proper use of confinement and who has first personally observed the child and assessed the child's situation;
 - 6) each order of 15 minute periods of confinement shall state the events leading to the need for initial or continued confinement, the purposes and the length of time for which confinement is to be employed;
 - 7) all orders of confinement shall be reported as soon as practicable, and written copies forwarded by the end of the shift to the administrator of the facility and, to the assigned caseworker or other person designated by the administrator;
 - 8) the administrator of the facility or designee shall review all confinement orders daily and shall inquire into the reasons for the orders of confinement by any staff person who routinely orders them;
 - 9) the staff person who ordered the confinement shall assign a child care worker or similarly qualified person to visually monitor the child every five minutes and to maintain a written record of the observations;
 - 10) a physician shall be consulted or the child shall be transported to a hospital or mental health facility when confinement is necessary for more than 2 hours. The facility shall obtain permission from the child's parent(s) or guardian before admitting the child to a hospital or mental health facility; and
 - 11) upon request, the child's parent(s) (unless parental rights have been terminated), guardian and attorney shall be notified within 24 hours when a child remains in confinement for 2 hours.
- d) Psychotropic drugs may only be used by a child care facility provided:
- 1) the drug is prescribed only by physicians licensed in the State of Illinois and is a clinical component of a child's treatment plan under the direct management and supervision of a physician;
 - 2) the physician who prescribed the drug has personally examined the child immediately prior to prescribing the drug. The examination shall be written into the child's record and accompanied by a statement by the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

physician containing the following information:

- A) a description of the child's current mental and physical condition, including a description of the physical symptoms, if any, resulting from effects of previously administered psychotropic drugs;
- B) the intended effect of the prescribed drug, the duration and dosage of the drug, the relationship of the prescribed drug therapy to other forms of treatment, and any other medication being given to the child; and
- 3) after the purpose, duration and any known side effects of the drug have been explained to the parent(s) or guardian, the parent(s) or guardian has consented in writing to administration of the drug.
- e) Secure residential care may be used only for alleged or adjudicated delinquents, minors who are alleged or adjudicated in contempt of valid court orders and minors admitted to the facility under, and subject to the protections of, the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1981, ch. 91 1/2, pars. 1-100 et seq.) The referring agency shall have made a determination, based on the recommendation of a psychiatrist or clinical psychologist who has personally examined the minor, that the child requires secure residential care for the child's or the community's protection.

(Source: Emergency amendments at 18 Ill. Reg. _____, effective May 20, 1994 for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) Section Numbers: Emergency Action:
402.2 Amendment
402.7 Amendment
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969, as amended (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1]
- 5) Effective Date of Amendments: MAY 2 0 1994
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable

7) Date Filed in Agency's Principal Office: MAY 2 0 1994

8) Reason for Emergency: Nearly three hundred children are housed in emergency shelters while more than 3,000 applications from prospective foster family homes which otherwise meet the Department's licensing standards continue to pend. For many of these homes, the entire licensing process has been completed, family members have cleared a check of the State Central Register of child abuse/neglect reports, and the only outstanding issue is receipt of the results of the criminal history background check. These foster home applicants wait six to eight additional weeks for the results of the criminal history background check after fingerprints have been submitted and all other licensing processes have been completed. In the meantime, children are housed in emergency shelters which do not provide the nurturance and stability of a foster family home, sibling groups may be separated, or children are placed in foster homes far from their home community.

9) A Complete Description of the Subjects and Issues Involved: When prospective foster parents apply for licensure as a foster family home, the Department of Children and Family Services obtains the fingerprints of adult members of the household for purposes of completing a criminal history background check.

After the Department or a licensed child welfare agency has obtained classifiable fingerprints for adult members of the foster home, it takes six to eight weeks to receive the results of the criminal history check. This delay in receipt of the criminal history results has resulted in a backlog of foster home applicants and a shortage of foster home placements. A substantial percentage of foster home applicants become discouraged and give up the process altogether. Many other families who want to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

provide foster care remain waiting while children are housed in emergency shelters which do not provide the nurturance and stability of a family home, siblings are placed apart, or children are placed with foster parents outside of their home community.

These emergency amendments would allow the Department of Children and Family Services to issue a temporary permit to allow a foster home to accept children for care while the criminal history background check is being conducted. This permit would be issued only if the foster family home otherwise is in compliance with the licensing standards of this Part and classifiable fingerprints have been obtained for all adult members of the household and forwarded to the State Police for processing. Foster parent applicants would acknowledge that the permit is temporary and may be cancelled if they have provided false information during the application process or the results of the criminal background check are not satisfactory.

Issuance of the temporary permit will speed up placement of children substantially and will encourage foster home applicants by reducing the license application period to a more reasonable time period in accordance with the requirements of the B.H. Consent Decree.

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

12) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Office of Rules and Procedures

Address: Department of Children and Family Services
406 E. Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Phone: (217) 524-1983
TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402
 LICENSING STANDARDS
 FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	EMERGENCY
402.3	Effective Date of Standards
402.4	Application for License
402.5	Application for Renewal of License
402.6	Provisions Pertaining to the License
402.7	Provisions Pertaining to Permits
402.8	EMERGENCY
402.9	General Requirements for the Foster Home
402.10	Requirements for Sleeping Arrangements
402.11	Nutrition and Meals
402.12	Business and Employment of Foster Parents
402.13	Qualifications of Foster Parents
402.14	Background Inquiry
402.15	Health of Foster Family
402.16	Number and Ages of Children Served
402.17	Meeting Basic Needs of Children
402.18	Health Care of Children
402.19	Religion
402.20	Recreation and Leisure Time
402.21	Education
402.22	Discipline of Children
402.23	Emergency Care of Children
402.24	Release of Children
402.25	Confidentiality of Information
402.26	Required Written Consents
402.27	Records to be Maintained
402.28	Licensing Supervision
402.29	Adoptive Homes
	Severability of This Part

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by the Child Care Act of 1969, as amended (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amendments at 16 Ill. Reg. 267, effective December 21, 1992; emergency amendments at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days.

Section 402.2 Definitions
 EMERGENCY

"Child" means any person under 18 years of age.

"Child care facility" means any person, group of persons, agency, association or corporation which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit.

"Classifiable fingerprints" means fingerprints have been obtained through an electronic or ink printing process which provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Department" means the Department of Children and Family Services.

"Foster family home" means the residence of the family which provides full-time family care and training to children unrelated to them. Foster family homes are limited to a maximum of 8 children including the foster family's children unless all of the children unrelated to the foster family are of common parentage or the Director of the Department of Children and Family Services has waived the limit of 8 unrelated children for good cause pursuant to Section 402.15 (b) and only to facilitate an adoptive placement.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" means those Department staff or other persons authorized under the Child Care Act to examine facilities for licensure.

"Minor traffic violation", as used in this Part, means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which resulted in a fine of \$ 100.00 or less without other penalty such as license suspension or revocation, probation, jail sentence or community service work.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individual(s) to become eligible for a license.

"Supervising agency", for the purpose of this part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective MAY 20 1994 for a maximum of 150 days)

Section 402.7 Provisions Pertaining to Permits EMERGENCY

a) ~~A permit shall not be issued until:~~ A two month permit may be issued when:

- 1) The application for license has been completed and signed by the foster parent applicant(s) and submitted to the Department;
- 2) The required background check forms have ~~has~~ been completed in accordance with Part 380, Background Check of Foster Family Home Applicants, and classifiable fingerprints have been obtained.
- 3) A personal visit to the home by a licensing representative has

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the criminal background check results. ~~requirements for remaining character references, medical examination reports, and well water tests compliance which may be complied with within the two month period covered by the permit. However, when well water tests are required, foster parents must agree to boil all drinking and cooking water and to provide only bottled water for infants under the age of one year until the test results are received.~~

4) furnishings, equipment and space sufficient for the children have been acquired; and

5) the applicants have signed:

- A) affidavits indicating that they have not been convicted or charged with a crime other than a minor traffic violation;
 - B) acknowledgements that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;
 - C) acknowledgements that the permit is time limited and issuance of a license is contingent upon the results of the criminal background check; and
 - D) acknowledgements that the permit may be cancelled and any children placed in their custody may be removed without prior notice if information provided during the application process has been falsified or applicants have a prior criminal history.
 - E) ~~a written plan has been submitted to the licensing representative which indicates that requirements for a license shall be met within the two month permit period.~~
- b) A permit shall not be issued retroactively.
 - c) Permits shall not be transferred to another person, organization or supervising agency.
 - d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- e) Permits shall not be renewable. However, when there is a delay in receiving the results of the criminal background check, the two month permit may be extended for up to 60 more days pending receipt of the results and the final decision of the Department regarding their effect upon licensure.
- f) A current permit shall be available in the foster home at all times.
- g) A license shall be issued at any time within the ~~two-month~~ period covered by the permit provided that the foster family home achieves compliance with the Department's licensing standards.
- h) The foster family shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Renumbered from Section 402.6 at 7 Ill. Reg. 3439, effective April 4, 1983; emergency amendments at 18 Ill. Reg. _____, effective ~~MAY 2 1994~~ for a maximum 150 days)

POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Standards For Existing Landfills and Units
- 2) Code Citation: 35 Ill. Adm. Code 814
- 3) Section Numbers: Emergency Action:
814.107 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, par. 5-45 [5 ILCS 100/5-45] and Ill. Rev. Stat. 1991, ch. 111½, pars. 1027 [415 ILCS 5/27].
- 5) Effective Date: MAY 12 1994
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date filed in the agency's principal office: May 5, 1994.
- 8) Reason for emergency:
The General Assembly passed S.B. 405 and the Governor signed the bill in to law on April 30, 1994. The amendment adopted in P.A. 88-540 extends the deadline for acceptance of solid waste at municipal solid waste landfills meeting the conditions of 40 CFR 258.1(e)(2) and (e)(3) from April 9, 1994 to October 9, 1994. This extension will allow those landfills to remain open to accept waste from the flood of 1993. Waste from the flood of 1993 creates a situation that the Board finds reasonably constitutes a threat to the public interest, safety, or welfare of persons in the affected areas.
- 9) A complete description of the subjects and issues involved:
This emergency amendment will change the date by which certain landfills must stop accepting waste in the Board's rule to correspond to the date in P. A. 88-540.
- 10) Are there any other amendments pending on this Part? No.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENT

11) Statement of statewide policy objectives:

The statewide policy behind the emergency amendment is stated in Sections 8 and 9(c) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$, pars. 1009(c), 1010 and 1027 [415 ILCS 5/9(c), 5/10 and 5/27]) and Section 5-45 of the Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 5-45 [5 ILCS 100/5-45]). This emergency rulemaking will not impose an added burden on any unit of local government. In fact the rule should alleviate problems associated with disposal of flood waste.

12) Time, Place and Manner in which interested persons may comment on this emergency rulemaking:

Address all comments to the following persons:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Refer all questions to the following person:

Marie E. Tipsord
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-4925

Please refer to the docket number, R94-13, in all correspondence.

The full text of the emergency rule begins on the next page:

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 814

STANDARDS FOR EXISTING LANDFILLS AND UNITS

SUBPART A: GENERAL REQUIREMENTS

Section

- 814.101 Scope and Applicability
- 814.102 Compliance Date
- 814.103 Notification to Agency
- 814.104 Applications for Significant Modification of Permits
- 814.105 Effect of Timely Filing of Notification and Application for Significant Modification
- 814.106 Agency Action on Applications for Significant Modifications to Existing Permits
- 814.107 Compliance Dates for Existing MSWLF Units
- EMERGENCY and Lateral Expansions
- 814.108 Interim Permit Requirements for Existing MSWLF Units
- 814.109 Permit Requirements for Lateral Expansions at Existing MSWLF Units

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section

- 814.201 Scope and Applicability
- 814.202 Applicable Standards

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section

- 814.301 Scope and Applicability
- 814.302 Applicable Standards

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL OR PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section

- 814.401 Scope and Applicability
- 814.402 Applicable Standards

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section

- 814.501 Scope and Applicability
- 814.502 Standards for Operation and Closure

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENT

Section 814. Appendix A Additional Requirements for Existing MSWLF Units and Lateral Expansions Operating Under Permits Issued Pursuant to 35 Ill. Adm. Code 807.

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027 [415 ILCS 5/5, 5/21, 5/21.1, 5/22, 5/22.17, 5/28.1 and 5/27]).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15850, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1284, effective January 13, 1994; emergency amendment in R94-13 at 18 Ill. Reg. _____, effective MAY 12 1994, for a maximum of 150 days.

NOTE: Capitalization indicates statutory language.

Section 814.107 Compliance Dates for Existing MSWLF Units and Lateral Expansions
EMERGENCY

- a) Except as specified in subsections (b) or (c), all existing MSWLF units and lateral expansions shall comply with the applicable requirements of this Part in accordance with Section 814.101(b) on or before October 9, 1993.
- b) An existing MSWLF unit or a lateral expansion that meets the conditions of subsections (b)(1), (b)(2), and (b)(3) and receive waste after October 9, 1993, but stop receiving waste before ~~April 9~~ October 10, 1994, is exempted from the additional requirements prescribed for existing MSWLF units and lateral expansions in this Part. The exemption conditions are as follows:
 - 1) The unit accepted 100 tons per day or less of solid waste for disposal between October 9, 1991, and October 9, 1992.
 - 2) The unit shall not accept more than 100 tons per day for disposal between October 9, 1993, and April 9, 1994.
 - 3) The unit is not on the National Priority list (NPL) as found in 40 CFR 300 Appendix B.
- c) An existing MSWLF unit or a lateral expansion of an

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF EMERGENCY AMENDMENT

existing unit is exempted from the additional requirements prescribed for MSWLF units in this Part until ~~April 8~~ October 9, 1994, if the Agency determines that such a unit or lateral expansion is needed to receive flood-related waste.

BOARD NOTE: The compliance dates specified in subsections (a) and (b) reflect the revisions adopted by the USEPA in the Federal Register Notification published on October 1, 1993 (see 58 FR 51536).

(Source: Emergency amendment in R94-13 at 18 Ill. Reg. _____, effective MAY 12 1994, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:
125.260 Amended
125.380 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 59 FR 14528 (1994).
- 5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16].
- 6) Effective Date: May 27, 1994
- 7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted.

"The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations to make safe handling instructions mandatory on all raw meat and poultry product labeling. The handling instructions include a rationale statement and address safe storage of raw product, prevention of cross-contamination, cooking of raw product, and handling of leftovers. The rule provides additional safeguards to protect consumers from exposure to possible bacterial contaminants found in raw meat and poultry products. This action is being taken in an effort to reduce the risk of foodborne illness." (59 FR 14528) Specifically, Sections 317.2, 317.5, 381.125, and 381.134 are amended. These amendments appear at 59 FR 14528 (1994), effective May 27, 1994 (compliance date for comminuted meat and poultry products is May 27, 1994 and the compliance date for all other meat and poultry products is July 6, 1994).

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: May 27, 1994
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? Yes, proposed amendments to Sections 125.100, 125.260 and 125.380 (published in 18 Ill. Reg. 3809, 3/18/94) are pending.
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of the peremptory amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	Livestock and Meat Establishments	Meat Products	Entering	Official
125.150	Equine and Equine Products			
125.160	Facilities for Inspection			
125.170	Sanitation			
125.180	Ante-Mortem Inspection			
125.190	Post-Mortem Inspection			
125.200	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts			
125.210	Humane Slaughter of Animals			
125.220	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment			
125.230	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking			
125.240	Marking Products and Their Containers			
125.250	Labeling, Marking and Containers			
125.260	Entry into Official Establishment; Reinspection and Preparation of Product			
125.270	Meat Definitions and Standards of Identity or Composition			
125.280				

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

125.290 Transportation
125.295 Imported Products
125.300 Special Services Relating to Meat and Other Products
125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing
	Inspection and Other Reinspections; Processing
125.400	Requirements
125.410	Definitions and Standards of Identity or Composition
	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650/16] and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. _____, effective May 27, 1994.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.24 (1990); 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 58 FR 42188, effective September 8, 1993; 58 FR 38046, effective August 16, 1993; 59 FR 12536, effective April 18, 1994; 59 FR 14528, effective May 27, 1994).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

Stat., 1991, ch. 147, par. 101 et seq.) [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600.120).

f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilayered or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: peremptory amendment at 18 Ill. Reg. _____, effective May 27, 1994)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1990; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992, 57 FR 43588, effective October 21, 1992; 58 FR 38046, effective August 16, 1993; 59 FR 14528, effective May 27, 1994).

b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.

h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT(S)

overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: peremptory amendment at 18 Ill. Reg. _____, effective May 27, 1994)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

STATE FIRE MARSHAL

Heading of Part: Policy and Procedures Manual for Fire Protection Personnel

Code Citation: 41 Ill Adm Code 140

Date Originally Published in the Illinois Register: 9/10/93
17 Ill Reg 14352

At its meeting on May 17, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Office of the State Fire Marshal, when approving reimbursements to local governments for the training of fire protection personnel, recognize that varying forms of the rules governing reimbursement were in effect during varying time periods of FY 1994. JC/AR further recommends that, in the future, the OSFM take care to adopt permanent rulemaking prior to the expiration of emergency rulemakings to avoid intervening time periods when the rules revert to the form in which they existed prior to adoption of the emergency rules.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JC/AR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

ILLINOIS RACING BOARD

Heading of Part: Medication

Code Citation: 11 Ill Adm Code 509

Date Originally Published in the Illinois Register: 4/15/94
18 Ill Reg 6019

At its meeting on May 17, 1994, the Joint Committee on Administrative Rules objected to the emergency rules of the Illinois Racing Board entitled "Medication (11 Ill Adm Code 509)", because the rule establishes penalties for the presence of any foreign substances. The penalties should not be levied for the presence of authorized foreign substances. Clarification is needed.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 17, 1994 through May 23, 1994, and have been scheduled for review by the Committee at its June 14, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
7/1/94	Department of Conservation, Duck, Goose and Coot Hunting (17 III Adm Code 590)	4/1/94 18 III Reg 5065	6/14/94
7/2/94	Secretary of State, Illinois Safety Responsibility Law (92 III Adm Code 1070)	2/14/94 18 III Reg 2217	6/14/94
7/2/94	Illinois Health Facilities Authority, Sale of Bonds (77 III Adm Code 1400)	3/25/94 18 III Reg 4538	6/14/94
7/2/94	Department of Public Aid, Child Support Enforcement (89 III Adm Code 160)	1/14/94 18 III Reg 497	6/14/94
7/2/94	Department of Public Aid, Medical Payment (89 III Adm Code 140)	3/18/94 18 III Reg 4077	6/14/94
7/4/94	Department of Insurance, Uniform Medical Claim and Billing Forms (50 III Adm Code 2017)	1/7/94 18 III Reg 37	6/14/94
7/6/94	Department on Aging, Long Term Care Insurance Partnership Demonstration Program (89 III Adm Code 260)	3/18/94 18 III Reg 3802	6/14/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
7/6/94	Illinois Commerce Commission, Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 III Adm Code 590)	2/25/94 18 III Reg 2720	6/14/94
7/6/94	Department of Rehabilitation Services, Illinois Long-Term Care Partnership Demonstration Program (89 III Adm Code 688)	3/18/94 18 III Reg 4093	6/14/94
7/6/94	Department of Rehabilitation Services, Projects with Industry (89 III Adm Code 640)	3/18/94 18 III Reg 4097	6/14/94
7/6/94	Department of Insurance, Long-Term Care Partnership Insurance (50 III Adm Code 2018)	3/18/94 18 III Reg 3919	6/14/94
7/6/94	Department of Public Aid, Practice in Administrative Hearings (89 III Adm Code 104)	12/17/93 17 III Reg 21283	6/14/94
7/6/94	Department of Public Aid, Medical Assistance Programs (89 III Adm Code 120)	3/18/94 18 III Reg 4063	6/14/94

PROCLAMATION**94-245****TOURISM DAY**

Whereas, tourism is a vital contributor to our economy and offers us the opportunity to share the beauty and history of our state with others; and

Whereas, the Illinois Restaurant Association's Ninth Annual Tourism Luncheon is May 17, 1994; and

Whereas, more than 500 restaurateurs, hoteliers, and travel and tourism executives will be attending this luncheon; and

Whereas, Donna Shaw, Deputy Director of the Bureau of Tourism, is being honored for her outstanding leadership of the tourism industry in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17, 1994, as TOURISM DAY in Illinois.

Issued by the Governor May 9, 1994.

Filed with the Secretary of State May 20, 1994.

94-246**BLACK CHILD DEVELOPMENT WEEK**

Whereas, the Metro East St. Louis Black Child Development Institute and its affiliates around the country will closely examine the status of black children during National Black Child Development Week, May 15-21; and

Whereas, the Metro East St. Louis Black Child Development Institute will focus on quality child care programs through a variety of activities, including pre-school art displays at various fast-food restaurants, local hospitals, and banking institutions; and

Whereas, the area's pre-school children and their parents will kick off the observance of Black Child Development Week with a worship service on May 15 and participation in Early Childhood Talent Day on May 17;

Therefore, I, Jim Edgar, Governor of the State of Illinois, program May 15-21, 1994, as BLACK CHILD DEVELOPMENT WEEK in Illinois in conjunction with the national observance and urge citizens across Illinois to support efforts being made to provide quality day care centers for all children.

Issued by the Governor May 11, 1994.

Filed with the Secretary of State May 20, 1994.

94-247**ENCARE DAY**

Whereas, motor vehicle crashes are the leading cause of death among those aged one to 34; and

Whereas, almost half of these deaths are alcohol related; and

Whereas, illegal alcohol use remains a problem among those underage; and

Whereas, emergency nurses see the tragic consequences of alcohol misuse, drunk driving, and lack of safety belt use daily; and

Whereas, the members of Emergency Nurses CARE of Illinois are implementing three educational programs to reduce these tragedies;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21, 1994, as ENCARE DAY in Illinois and I challenge all citizens to join in the educational efforts to reduce needless tragedies on the highway.

Issued by the Governor May 11, 1994.

Filed with the Secretary of State May 20, 1994.

94-248**PUBLIC HUMANITIES DAY**

Whereas, democracy depends on an educated citizenry; and

Whereas, the Illinois Humanities Council is celebrating 20 years of service as a lifetime university in humanities, open to all; and

Whereas, the Illinois Humanities Council has been at the crossroads of ideas in Illinois, energizing cultural and civic life; and

Whereas, the Illinois Humanities Council has initiated a new program emphasis upon Illinois and the world; and

Whereas, the Illinois Humanities Council has created the Fifth Annual Chicago Humanities Festival, emphasizing an historic and international perspective; and

Whereas, John J. Mearsheimer, Professor of Political Science, University of Chicago, will deliver the first Governor's Lecture in the Humanities, "Why We Are Missing the Cold War," celebrating the importance of the relationship of the humanities and public life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 25, 1994, PUBLIC HUMANITIES DAY in Illinois.

Issued by the Governor May 11, 1994.

Filed with the Secretary of State May 20, 1994.

94-249**SCHOOL COUNSELOR WEEK**

Whereas, school counselors are advocates for children in

providing guidance services for thousands of children in elementary and high schools in regular and special education settings; and

Whereas, school counselors help children and adolescents realize their potential both academically and socially; and

Whereas, school counselors help children and adolescents learn to solve problems, settle differences in a peaceful manner, to negotiate, to make good decisions, and to set appropriate goals for their futures; and

Whereas, school counselors work with parents and outside agencies to advocate for the best interest of children by coordinating their efforts; and

Whereas, school counselors provide opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22-28, 1994, as SCHOOL COUNSELOR WEEK in Illinois.

Issued by the Governor May 11, 1994.

Filed with the Secretary of State May 20, 1994.

94-250

GREEK AMERICAN HERITAGE WEEK

Whereas, the Greek-American Community has contributed greatly to the rich ethnic diversity of the State of Illinois and has played a vital role in the educational, professional, economic, religious, and cultural progress of our state since its early history; and

Whereas, Illinoisans of Greek origin and parentage has remained devoted to their forefathers' democratic principles, the principles which formed the concept of self-government; and

Whereas, Greece is universally acknowledged as "the cradle of democracy", a philosophy adopted by independent nations everywhere; and

Whereas, in celebration of the 173rd anniversary of Greek Independence from Ottoman oppression, the 28th annual Greek-American Heritage Parade will take place May 14, in coordination with the observance of Greek American Heritage Week from May 9-15; and

Whereas, the parade, with the theme "Cyprus-Macedonia: Eternal Spirit of Hellenism" is chaired by Michael Skoubis and co-chaired by Jim Vainikos and will feature the Evzone Presidential Guard from Athens, Greece; and

Whereas, a Greek American Media in Illinois Exhibit will be sponsored at the Thompson Center May 8-15 and then will be presented to the Hellenic Museum and Cultural Center in honor of Greek Heritage 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9-15, 1994, as GREEK AMERICAN HERITAGE WEEK in Illinois.

Issued by the Governor May 12, 1994.

Filed with the Secretary of State May 20, 1994.

94-251

JEFF CHILDS DAY

Whereas, Jeff Childs has dedicated 26 years of service to St. Charles School District 303 at St. Charles High School; and

Whereas, as Band Director at St. Charles High School, Jeff is responsible for the Stage Band, Concert Band, Marching Band, Pep Band and the highly acclaimed Jazz Workshop; and

Whereas, under his direction and guidance, the Jazz Workshop attained the Sweepstakes trophy in March at the Atlanta Peachtree Festival; and

Whereas, the Jazz Workshop is regarded as one of the elite programs of its kind across the nation and has often had the opportunity to play with professional jazz musicians appearing in the area; and

Whereas, Jeff Childs will retire from his position as St. Charles High School Band Director;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1994, as JEFF CHILDS DAY in Illinois in appreciation of his dedication to the St. Charles High School band programs.

Issued by the Governor May 12, 1994.

Filed with the Secretary of State May 20, 1994.

94-252

JOHN STOFFEL DAY

Whereas, John Stoffel has dedicated 29 years of service to St. Charles School District 303, 28 of which he has spent at St. Charles High School; and

Whereas, as director of the school's choirs and choral groups, John has fostered the talent of St. Charles' young voices which has earned them many national and international awards throughout his years of direction; and

Whereas, under his guidance and direction, the St. Charles High School Chorale captured the Sweepstakes trophy at the Atlanta Peachtree Festival in March; and

Whereas, John Stoffel will retire from his position as the district's Choir and Chorale director;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1994, as JOHN STOFFEL DAY in Illinois in

appreciation of his 29 years of dedicated service to the advancement of the district's performing arts programs.
 Issued by the Governor May 12, 1994.
 Filed with the Secretary of State May 20, 1994.

94-253

RAY PASSIS DAY

Whereas, Ray Passis, born in 1909, and his wife, Ida, have two children, Dennis and Renee; and

Whereas, Mr. Passis is the founder of Transworld Exhibitions, which is a major trade show exhibit producer in the Chicago and metropolitan area; and

Whereas, through his work at Transworld, he has brought millions of business travelers to the Chicago area, as well as millions of dollars to the economy; and

Whereas, Ray Passis has enjoyed a very successful career and an active social and family life. He is an avid golfer and has a zest for life in general; and

Whereas, Ray Passis, along with family and friends, will celebrate his 85th birthday on May 14;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14, 1994, as RAY PASSIS DAY in Illinois in honor of his contributions to the trade show exhibition industry and to extend him the very best of wishes on his birthday.

Issued by the Governor May 12, 1994.

Filed with the Secretary of State May 20, 1994.

94-254

RAYMOND J. NORBUT DAY

Whereas, Raymond J. Norbut began employment in 1949 as a truck driver for the Department of Conservation, and through his many friendships and awareness, gained knowledge of department staff and site throughout the state park system. He maintained high principles throughout his promotion to higher positions in his distinguished career with the department and developed long-term ideas including a statewide purchasing system which greatly reduced turnaround for getting equipment to the field where it was needed; and

Whereas, Ray was promoted to Assistant Division Chief in 1970, and in this position implemented his ideas for handling personnel issues that have set the standard, are still in existence today, and are a source of pride for all superintendents and their staffs; and

Whereas, Ray became Division Chief in 1975 and supervised the largest department division, accepting this challenge zealously

and developing a new system for public lands. He utilized his vast knowledge of the system to upgrade all sites to a level of performance and quality that was unsurpassed and made sure the equipment levels and maintenance standards were upgraded and followed, thus his reputation grew and was admired not only by his staff and those he worked with but his peers as well; and

Whereas, in this new system, with all the operational and implementation problems normal to its size, Ray implemented one of his most notable contributions by establishing a Resource Review process that brought all disciplines together to agree upon an annual work plan. This idea is the standard still used today in the Department of Conservation and has been the basis for planning and communication efforts to keep the public informed; and

Whereas, the ultimate benefactors of Ray's 38 years of distinguished public service have been the citizens of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16, 1994, as RAYMOND J. NORBUT DAY in Illinois and wish him the best in his retirement.

Issued by the Governor May 12, 1994.

Filed with the Secretary of State May 20, 1994.

94-255

RON KOEPL DAY

Whereas, for 31 years, Ron Koeppl has served Illinois' educational system at St. Charles School District 303; and

Whereas, as Director of the Fine Arts Department, he has dedicated the past 16 years to producing the Senior High musicals and dramatic plays, and 15 years at the Junior High where he introduced theatrical productions to the curriculum; and

Whereas, Ron has served as director and producer of the All-State Theater, director of the Illinois State Theater Festival, and currently serves as chairman and member of the Illinois High School Theater Association; and

Whereas, Ron Koeppl will retire from his service to the District's performing arts programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1994, as RON KOEPL DAY in Illinois in honor and recognition of dedication and commitment to the advancement of the performing arts.

Issued by the Governor May 12, 1994.

Filed with the Secretary of State May 20, 1994.

94-256

CORNELIA de LANGE AWARENESS DAY

Whereas, the good health and general well-being of the people of Illinois is strengthened by our knowledge and understanding of a rare birth defect known as Cornelia de Lange Syndrome (CdLS); and

Whereas, babies born with CdLS are usually of low birth weight and develop at a lower rate, both mentally and physically. Although a cause has not yet been discovered, dedicated medical professionals are presently involved in valuable research and education activities to explore new possibilities and to offer hope to families of children with CdLS; and

Whereas, Illinois is pleased to join in promoting a special celebration which seeks to raise awareness of Cornelia de Lange Syndrome as simultaneous awareness activities are being held in cities, towns, and communities throughout the world, and as this noteworthy effort will have a productive impact on the lives and experiences of CdLS children and their families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21, 1994, as CORNELIA DE LANGE AWARENESS DAY in Illinois.

Issued by the Governor May 13, 1994.

Filed with the Secretary of State May 20, 1994.

94-257 CRS DAY

Whereas, the Community Renewal Society (CRS), created in 1882, is an urban mission agency that serves Chicago residents; and

Whereas, CRS's Renewal in Communities unit assists 500 community-based organizations a year, enabling them to develop their own vision of service through mentoring and workshops; and

Whereas, CRS's program, Healthy Congregations/Healthy Communities, utilizes 40 churches, which are already established in communities as centers of advocacy for those needing health services; and

Whereas, CRS's award winning Chicago Reporter and new newsletter, CATALYST: Voices of Chicago School Reform, are valued resources for policy-makers, journalists, and interested citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 26, 1994, as CRS DAY in Illinois.

Issued by the Governor May 13, 1994.

Filed with the Secretary of State May 20, 1994.

94-258 EUGENE C. SWAGER DAY

Whereas, Eugene C. Swager served as founding partner of Phillips Swager Associates since its inception March 14, 1954, and President of the firm since April 1, 1976; and

Whereas, Eugene C. Swager served on both the State of Illinois and the National Board of Directors of the American Institute of Architects providing outstanding leadership to the profession; and

Whereas, Eugene C. Swager was a founder and continuing member of the Illinois Architect-Engineer Council, which fostered greatly enhanced relations between the architectural and engineering professions in Illinois; and

Whereas, Eugene C. Swager was honored as a Fellow of the American Institute of Architects for his outstanding contributions to the profession of architecture; and

Whereas, Eugene C. Swager believes strongly in the practice of total architecture to include architectural, structural, mechanical, electrical, civil, and interior design to meet the needs of clients seeking professional services; and

Whereas, Eugene C. Swager expanded PSA's services through offices in Peoria, Illinois; Dallas, Texas; and Naperville, Illinois; and

Whereas, Eugene C. Swager presently serves on the Foundation Boards of Methodist Medical Center of Illinois, Youth Farm, and Illinois Central College; chairman of the Board of Bradley University Council; YMCA Trustee; the University of Illinois President's Council; a committee member of the Heart Association and Cancer Research Institute; and past Board Member of the Heart of Illinois United Way, Habitat for Humanity, Country Club of Peoria, Western Illinois University Advisory Board, and recently Honorary Chairman of the Salvation Army Tree of Lights Campaign; and

Whereas, Eugene C. Swager was named President Emeritus of PSA on February 5, 1994, by the Board of Directors;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20, 1994, as EUGENE C. SWAGER DAY in Illinois and wish him continued success, health, and happiness in his future endeavors in his community and private life.

Issued by the Governor May 13, 1994.

Filed with the Secretary of State May 20, 1994.

94-259 SOCCER CELEBRATION DAY

Whereas, the State of Illinois and the City of Chicago have been chosen to host the World Cup USA '94 soccer games on their first visit to the United States in 60 years of World Cup history; and

Whereas, Legacy Tour' 94, a community grassroots program of

World Cup USA '94 will hold a Soccer Celebration at the Cityfront Center on June 14; and

Whereas, the Soccer Celebration will promote the World Cup spirit and introduce our young people to the game of soccer through skills, contests, soccer marathons, sand-soccer games, and multi-cultural exhibits; and

Whereas, the Celebration will also include celebrity appearances and entertainment, prizes -- including World Cup tickets, and a chance to see the World Cup Trophy; and

Whereas, the World Cup games and the World Cup spirit will bring together competitors, spectators, dignitaries, and media from the across the world; and

Whereas, after the World Cup games have been played and the participants and visitors have returned home, we will still be left with its legacy, including 1,000 donated soccer balls, the renovation of soccer fields in the Chicago area, and an Adidas Sports Floor at Lathrop Palms Home;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14, 1994 as SOCCER CELEBRATION DAY in Illinois.

Issued by the Governor May 13, 1994.

Filed with the Secretary of State May 20, 1994.

94-260

ILLINOIS RIVERS APPRECIATION MONTH

Whereas, Illinois' development as a great state owes much to our rivers, their explorers, such as Marquette, Joliet, and LaSalle, and the builders of the forts and later cities along the banks of these rivers such as Massac on the Ohio, Starved Rock and Creve Coeur on the Illinois, Kaskaskia on the Mississippi, and Dearborn in Chicago; and

Whereas, Illinois communities, which originally flourished on the banks of the avenues of commerce our rivers provide, are today revitalizing their waterfronts to provide both economical and recreational opportunities while preserving important aspects of their resources and history; and

Whereas, Illinois citizens are becoming increasingly aware of the importance of our rivers as habitat for fish and other aquatic organisms, for recreation, as scenic resources, and for clean drinking water, and of the importance of the riparian corridor for soil conservation and wildlife habitat; and

Whereas, all citizens should be involved in efforts to clean our streams, practice soil conservation, protect scenic areas, and advocate recycling; and

Whereas, during June, the Illinois Environmental Protection Agency and the Department of Conservation will work together to promote such efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim June 1994 as ILLINOIS RIVERS APPRECIATION MONTH to increase public awareness of the importance of our rivers as resources vital to our state.

Issued by the Governor May 17, 1994.

Filed with the Secretary of State May 20, 1994.

94-261

MOVING VIETNAM MEMORIAL WALL DAYS

Whereas, more than 58,000 men and women from across America selflessly committed themselves to the fight for freedom and democracy through their service in the armed forces during the span of the Vietnam War; and

Whereas, in remembrance and honor of their great sacrifice and bravery, the veterans organizations of the Wabash Valley will sponsor the "Moving Vietnam Memorial Wall," beginning May 19 and continuing through May 25, 1994; and

Whereas, a memorial service will be held each evening at the Marshall High School football field to pay tribute to and preserve the memory of those who gave their lives in the name of God and country; and

Whereas, the Wall, a monument representing each of the men and women who gave their lives and those who are still missing, will be on display at Marshall High School practice field; and

Whereas, the seven-day memorial has been made possible through the Wabash Valley Moving Wall Committee and the many volunteers who have donated their time and services freely;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19-25, 1994, as MOVING VIETNAM MEMORIAL WALL DAYS in Illinois.

Issued by the Governor May 17, 1994.

Filed with the Secretary of State May 20, 1994.

94-262

SWEET SUCCESS DAY

Whereas, diabetes is a condition experienced by many Illinoisans and is treatable through proper medical care; and

Whereas, the Northern Illinois Affiliate of the American Diabetes Association was established in 1948 to prevent and cure diabetes; and

Whereas, in an effort to promote public awareness of diabetes, nine chefs representing midwest restaurants, volunteers from the American Diabetes Association, and Kurman Communications, Inc. will hold the First Annual Sweet Success Benefit; and

Whereas, sugar-free desserts will be prepared by some of

Chicagoland's most famous chefs, with proceeds benefitting the Northern Illinois Affiliate of the American Diabetes Association; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5, 1994, as "SWEET SUCCESS DAY" in Illinois.

Issued by the Governor May 17, 1994.

Filed with the Secretary of State May 20, 1994.

94-263

DR. HAROLD D. MCANINCH DAY

Whereas, Dr. Harold D. McAninch was appointed the second President of the College of DuPage in 1979; and

Whereas, during his 15 year tenure, the college has grown from 21,000 to 36,155 students, making it the sixth largest community college in the nation; and

Whereas, Dr. McAninch is an innovative leader in education and is respected throughout the state by teachers, students, and staff who have had the privilege of knowing him; and

Whereas, he has improved the college's infrastructure with projects that include construction of the \$16 million Student Resources Center, the \$12 million Physical Education and Community Recreation Center, the \$14.4 million Arts Center, and the \$3.8 million Seaton Computer Center; and

Whereas, in 1986, Dr. McAninch was named "one of the most effective collegiate presidents" by the Council for Advancement and Support of Education; and

Whereas, Dr. McAninch has announced his retirement as President of the College of DuPage effective July 1, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 26, 1994, as DR. HAROLD D. MCANINCH DAY in Illinois and congratulate him on his successful years as President of the College of DuPage and wish him the best in his future endeavors.

Issued by the Governor May 18, 1994.

Filed with the Secretary of State May 20, 1994.

94-264

OPERATION HALYARD DAY

Whereas, this spring marks the 50th anniversary of D-Day, which will be commemorated by the City of Chicago and the U.S. Department of Defense; and

Whereas, the Operation Halyard celebration will honor the 500 American airmen who carried out one of the most dangerous missions of the war -- bombing the Ploesti Oil Field in Romania, the Nazi Army's main source of fuel at the time; and

Whereas, hundreds of Allied pilots, most of them Americans, were shot down by the Nazis and were rescued by the Serbian

Chetnik forces under the command of General Draza Mihailovich; and

Whereas, this rescue in the summer and fall of 1944 continues to stand as the greatest rescue of American lives from behind enemy lines in the history of warfare; and

Whereas, the American airmen were rescued under great duress by the Chetnik forces and were able to return home alive; and

Whereas, the American veterans will be reunited with each other and with the people who saved their lives at the Operation Halyard Day celebration;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 31, 1994, as OPERATION HALYARD DAY in Illinois.

Issued by the Governor May 18, 1994.

Filed with the Secretary of State May 20, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR (Joint Committee on Rules)
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 III. Adm. Code 240 Community Care Program (P-14225/93; A-609) (E-5355) (P-5027)
89 III. Adm. Code 260 Long-Term Care Insurance Partnership Demonstration Program (P-3802)
89 III. Adm. Code 230 Older Americans Act Program (P-5720)

AGRICULTURE, DEPARTMENT OF

8 III. Adm. Code 110 Animal Diagnostic Act (P-14717; A-1825)
8 III. Adm. Code 75 Bovine Brucellosis (P-14728/93; A-1833)
8 III. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93; A-205)
8 III. Adm. Code 20 Definitions (P-14793; A-1844)
8 III. Adm. Code 85 Diseased Animals (P-14747/93; A-1850)
8 III. Adm. Code 116 Equine Infectious Anemia Control (P-14761/93; A-1861)
68 III. Adm. Code 590 Feeder Swine Dealer Licensing (P-14765/93; A-1865)
8 III. Adm. Code 270 Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the Fairgrounds (P-3164)

General Operation of the State

8 III. Adm. Code 40 Livestock Auction Markets (P-14769/93; A-1869)
68 III. Adm. Code 610 Livestock Dealer Licensing (P-14775/93; A-1875)
8 III. Adm. Code 125 Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809; A-4622) (PP-6442) (PP-8493)
8 III. Adm. Code 105 Swine Disease Control & Eradication Act (P-14781/93; A-1880)
8 III. Adm. Code 600 Weights and Measures Act (E-4426)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 III. Adm. Code 2090 Subacute Alcoholism and Substance Abuse Treatment Services (P-5029)

ATTORNEY GENERAL

14 III. Adm. Code 200 Franchise Disclosure Act (PP-2522)

AUDITOR GENERAL

2 III. Adm. Code 600 Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)
2 III. Adm. Code 601 Freedom of Information (A-7739)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 III. Adm. Code 6000 Carnival and Amusement Park Inspection Law (P-6040)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 III. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-15217/93; A-1886) (P-5057)
80 III. Adm. Code 302 Merit & Fitness (P-14788/93; A-1892)
80 III. Adm. Code 310 Pay Plan (P-13657/93; P-14314; A-227; A-1107) (P-21233/93; A-5146)
80 III. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (A-3115)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 III. Adm. Code 434 Audits, Reviews and Investigations (P-7115/93; A-6697)
89 III. Adm. Code 385 Background Checks (P-8219)
89 III. Adm. Code 305 Client Service Planning (P-6467)
89 III. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)

(Children and Family Services, cont.)

89 III. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
89 III. Adm. Code 437 Department of Children and Family Services Employees Conflict of Interest (P-7539)
89 III. Adm. Code 384 Discipline & Behavior Management in Child Care Facilities (E-8474)
89 III. Adm. Code 314 Educational Services (P-17593/93; A-8366)
89 III. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683) (P-11964/93; A-5531)
89 III. Adm. Code 402 Licensing Standards for Foster Family Homes (P-8237; E-8481)
89 III. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93; A-5540)
89 III. Adm. Code 335 Relative Home Placements (P-6681/93; A-7444)
89 III. Adm. Code 300 Reports of Child Abuse & Neglect (P-18271/93; A-8377) (P-8240)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

80 III. Adm. Code 250 State Universities Civil Service System (P-18453/93; A-1901)

COMMERCE COMMISSION, ILLINOIS

92 III. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630/93; A-1914)
83 III. Adm. Code 792 Imputation (P-11988/93; A-1919)
83 III. Adm. Code 790 Interconnection (P-19354/93; A-6147)
83 III. Adm. Code 535 Least-Cost Planning for Natural Utilities (PR-6081)
83 III. Adm. Code 590 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
83 III. Adm. Code 770 Operator Service Providers (P-6099)
83 III. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93; A-676; M-795)
83 III. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918) (P-6382/93; A-6160)
83 III. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483; A-4146) (P-6386/93; A-6164)

92 III. Adm. Code 1236 Reinstatement of Revoked Operating Authority (P-8635/93; A-1924)
83 III. Adm. Code 200 Rules and Practices (P-22117/93; A-7748)
83 III. Adm. Code 285 Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723)
83 III. Adm. Code 425 Uniform Electric Fuel Adjustment (P-4483)
92 III. Adm. Code 1375 Uniform System of Accounts (P-8635/93; A-1927)
83 III. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937) (P-4490)
83 III. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-946)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

47 III. Adm. Code 160 Emergency Shelter Grants Program (P-15747/93; A-5163)
14 III. Adm. Code 520 Enterprise Zone Program (P-9791/93; A-5172)
14 III. Adm. Code 510 Ill. Promotion Act Programs (P-14318/93; A-5813) (P-21905/93; A-8387)
14 III. Adm. Code 570 Illinois Small Business Development Program (P-21123/93; A-6112)
56 III. Adm. Code 509 Industrial Training Program (P-20063/93; RQ-6022)
83 III. Adm. Code 772 Pay-Per-Call Services (P-7156)
14 III. Adm. Code 610 Public Infrastructure Loan & Grants Programs (P-19352/93; A-8398)
56 III. Adm. Code 2600 Service Delivery System & State Responsibilities (P-805)
14 III. Adm. Code 545 Technology Advancement & Development Act Program (P-839; A-8415)
56 III. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855)

COMMISSIONER OF BANKS AND TRUST COMPANIES

38 III. Adm. Code 380 Eligible State Bank (P-19347/93; A-4630)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

38 III. Adm. Code 1075 Savings Bank Act (E-7016)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 III. Adm. Code 1501 Administration of the Ill. Public Community College (P-569) (P-6686/93; A-4635)

ILLINOIS REGISTER
CUMULATIVE INDEX

June 3, 1994

Vol. 18, Issue #22

ILLINOIS REGISTER

June 3, 1994

Vol. 18, Issue #22

ILLINOIS REGISTER

June 3, 1994

COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS
47 Ill. Adm. Code 700 By-laws (P-4530/93;A-5826)

COMPTROLLER, OFFICE OF THE

38 Ill. Adm. Code 610 Ill. Funeral or Burial Funds Act (P-7168/C-)
74 Ill. Adm. Code 275 Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664;E-2119;A-7754)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 130 Camping on Department of Conservation Properties (P-18721/93;A-1126)
17 Ill. Adm. Code 530 Cook Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)
17 Ill. Adm. Code 850 Commercial Fishing in Lake Michigan (P-22123/93;A-5834)
17 Ill. Adm. Code 830 Commercial Fishing and Musseling in Certain Waters of the State (E-4761)(P-5372)
17 Ill. Adm. Code 2520 Consignment of Licenses (P-3821)
17 Ill. Adm. Code 730 Dove Hunting Season (P-3830)
17 Ill. Adm. Code 590 Duck, Goose and Coot Hunting (P-5065)
17 Ill. Adm. Code 910 Field Trials on Department-Owned Managed Sites (P-3846)
17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-16273/93;A-1134)
17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-16285/93;A-1142)
17 Ill. Adm. Code 3010 Illinois Snowmobile Grant Program (P-5379)
17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)
17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-1;A-5838)
17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Coyote and Woodchuck(Groundhog)Hunting (P-3868)
17 Ill. Adm. Code 4010 Register of Land & Water Reserves (P-578)
17 Ill. Adm. Code 810 Sport Fishing Regulations for the Waters of Illinois (P-19785/93;A-3277)(E-5667)(P-6202)
17 Ill. Adm. Code 690 Squirrel Hunting (P-3193)
17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156)(E-3751)
17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season, The (P-3895)
17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season, The (P-3895)
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)
17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-21927/93;A-5859)(P-7180)
17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-21952/93;A-5878)(P-7183)
17 Ill. Adm. Code 740 Woodcock, Snipe, Rail, and Teal Hunting (P-3986)

CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 420 Assignment of Committed Persons (P-19367/93;A-2929)
20 Ill. Adm. Code 460 Impact Incarceration Program (P-19371/93;A-2933)
20 Ill. Adm. Code 107 Records of Committed Persons (P-19377/93;A-2939)
20 Ill. Adm. Code 405 School District (P-19405/93;A-2970)
20 Ill. Adm. Code 501 Security (P-4396/93;A-6328)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

20 Ill. Adm. Code 1570 Fees for Processing Requests for Conviction Information (P-21136/93;A-4679)
20 Ill. Adm. Code 1810 Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)
20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-20539/93;A-4852)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 610 Article 34 School and Subdistrict Councils (P-5449)
23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-10061/93;A-1169)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)
23 Ill. Adm. Code 550 Reorganization Committee (PR-17611/93;AR-5551)
23 Ill. Adm. Code 226 Special Education (P-13231/93;A-1930)(P-18405/93;A-4685)(P-6482)
23 Ill. Adm. Code 170 Sprinkler System (P-18419/93;A-4699)
23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131/93;A-237)

ELECTIONS, STATE BOARD OF

23 Ill. Adm. Code 125 Practice and Procedure (P-6509)

EMERGENCY MANAGEMENT AGENCY, ILLINOIS

29 Ill. Adm. Code 1310 Emergency Management Assistance Program (P-13843/93;A-6394)
29 Ill. Adm. Code 1300 Emergency Services and Disaster Agencies: Establishment, Accreditation, and Workers' Compensation (P-13856/93;A-6386)

29 Ill. Adm. Code 300 Local Emergency Services and Disaster Agencies: Establishment, Jurisdiction, and Accreditation (PR-13865/93;AR-6384)

29 Ill. Adm. Code 510 Workers' Compensation Coverage (PR-13875/93;A-6382)

EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2915 Academic Personnel (P-19415/93;A-4154)
56 Ill. Adm. Code 2865 Claimant's Availability for Work, Ability to Work and Active Search for Work (P-19421/93;A-4160)
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-17628/93;A-250)
56 Ill. Adm. Code 2920 Disqualifying Income and Reduced Benefit (P-19427/93;A-4166)
56 Ill. Adm. Code 2760 Notices, Records, Reports (P-16319/93;A-261)(E-2631;O-7070;M-7492)

ENVIRONMENTAL PROTECTION AGENCY

35 Ill. Adm. Code 372 Illinois Design Standards for Slow Rate Land Application of Treated Wastewater (P-4524)
35 Ill. Adm. Code 370 Illinois Recommended Standards for Sewage Works (CC-6375)
35 Ill. Adm. Code 184 Licensing of Industrial Hygienists (P-4)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 130 Currency Exchange Rate (P-6929/93;W-6454)

FIRE MARSHALL, OFFICE OF STATE

41 Ill. Adm. Code 200 Storage, Transportation, Sale and Use of Liquefied Petroleum (P-22)
41 Ill. Adm. Code 170 Storage, Transportation, Sale and Use of Petroleum and other Regulated Substances (P-8267)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

77 Ill. Adm. Code 2510 Data Collection (P-8274)
77 Ill. Adm. Code 2530 Hospital Price Information (P-19007/93;A-5343)
77 Ill. Adm. Code 2510 Data Collection (P-18944/93;A-5300)(P-

HIGHER EDUCATION, BOARD OF

23 Ill. Adm. Code 1020 Health Services Education Grant (P-17639/93;A-4174)
23 Ill. Adm. Code 110 Program Accounting Manual (P-18283/93;A-5178)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

47 Ill. Adm. Code 360 Affordable Housing Program (P-1669)(E-2124)
47 Ill. Adm. Code 365 Affordable Housing Bond Program (P-956;E-1596)
47 Ill. Adm. Code 260 Homeowner Mortgage Revenue Bond Program (P-8293)
47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (A-1939)

HUMAN RIGHTS, DEPARTMENT OF

2 Ill. Adm. Code 926 Access to Information (P-512)
2 Ill. Adm. Code 925 Rulemaking and Organization (P-525)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 1250 Corrective Orders (P-3985/93;A-2230)
50 Ill. Adm. Code 2013 Group Coverage Discontinuance and Replacement (P-8320)
50 Ill. Adm. Code 1103 Life Reinsurance Agreement (P-8411/93;A-685)
50 Ill. Adm. Code 2012 Long-term Care Insurance (P-11279/93;A-2238)
50 Ill. Adm. Code 2018 Long-Term Care Partnership Insurance (P-3919)
50 Ill. Adm. Code 3119 Pre-Licensing and Continuing Education (P-3964)
50 Ill. Adm. Code 855 Prior Notification of Dividends on Common Stock and Other Distributions (P-21264/93;A-6168)
50 Ill. Adm. Code 854 Prior Notification of Transactions (P-21143/93;A-6176)
50 Ill. Adm. Code 6201 Requirements (A-2282)
50 Ill. Adm. Code 2017 Uniform Medical Claim and Billing (P-37)

ILLINOIS REGISTER
CUMULATIVE INDEX

June 3, 1994

Vol. 18, Issue #22

INVESTMENT, ILLINOIS STATE BOARD

80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-19755/93;A-7224)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

1 Ill. Adm. Code 255 Distribution of Database Information (E-5359)
1 Ill. Adm. Code 260 Complaint Reviews (P-13233/93;A-4705)(CC-7495)
1 Ill. Adm. Code 245 Expedited Corrections (P-13248/93;A-4720)(CC-7496)
1 Ill. Adm. Code 250 Five Year Evaluation of All Existing Rules (P-13257/93;A-4728)
1 Ill. Adm. Code 230 General Policies (P-13268/93;A-4739)(CC-7497)
1 Ill. Adm. Code 210 Review of Emergency Rulemaking (P-13233/93;A-1233)(CC-7498)
1 Ill. Adm. Code 240 Review of Preemptory Rulemaking (P-13294/93;A-4745)(CC-7499)
1 Ill. Adm. Code 220 Review of Proposed Rulemaking (P-13307/93;A-4758)(CC-7500)

LABOR, DEPARTMENT OF

56 Ill. Adm. Code 350 Health & Safety (P-1672)

LIQUOR CONTROL COMMISSION, ILLINOIS

11 Ill. Adm. Code 100 The Illinois Liquor Control Commission (P-20094/93;A-4811)

LOTTERY, DEPARTMENT OF

11 Ill. Adm. Code 1700 Hearings (P-5394)
11 Ill. Adm. Code 1770 Lottery (General) (P-6519)

LOW-LEVEL RADIOACTIVE WASTE, TASK GROUP

2 Ill. Adm. Code 2950 Information, Rulemaking and Organization (A-5889)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

59 Ill. Adm. Code 101 Administration (P-10688/93;A-4179)
59 Ill. Adm. Code 122 Certification Under Medicaid Rehabilitation Option for Early Intervention Program (P-3969)
59 Ill. Adm. Code 121 Early Intervention Program (P-3976)
59 Ill. Adm. Code 120 Medicaid Community Health Services Program (P-3902)
59 Ill. Adm. Code 122 Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (P-3990)
59 Ill. Adm. Code 106 Service Charges (P-7583)

MINES AND MINERALS, DEPARTMENT OF

62 Ill. Adm. Code 240 Illinois Oil and Gas Act (P-22128/93;A-8061)

NATURE, PRESERVES COMMISSION

17 Ill. Adm. Code 4000 Management of Nature Preserves (P-12005/93;A-2290)
17 Ill. Adm. Code 4010 Register of Land & Water Reserves (P-578;A-7253)

NORTHEASTERN ILLINOIS PLANNING COMMISSION

35 Ill. Adm. Code 399 Collection of Fees from Applicants requesting to change the Boundaries of a Wastewater Facility Planning Area (P-2552)

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 405 Certification of Individuals to Perform Industrial Radiography (P-3326)
32 Ill. Adm. Code 333 Fees for Calibration Services (P-9797/93;A-2615)
32 Ill. Adm. Code 331 Fees for Radioactive Material Licenses (P-3045)
32 Ill. Adm. Code 330 Licensing of Radioactive Material (P-1441/793;A-5553)
32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)
32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)
32 Ill. Adm. Code 390 Particle Accelerators (P-8666/93;A-3143)
32 Ill. Adm. Code 350 Radiation Safety Requirements for Industrial Radiographic Operations (P-13882/93;A-7263)
32 Ill. Adm. Code 351 Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93;A-3344)
32 Ill. Adm. Code 320 Registration of Radioactive Material, Radiation Machines, and Radiation Installations (P-8693/93;A-3363)
32 Ill. Adm. Code 505 Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)
32 Ill. Adm. Code 341 Transportation of Radioactive Material (P-13933/93;A-4196)
32 Ill. Adm. Code 355 Use of Radionuclides in the Healing Arts (P-20122/93;A-7308)

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #22

June 3, 1994

(Nuclear Safety, cont.)

32 Ill. Adm. Code 360 Use of X-Ray in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (P-3996)

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 211 Definitions & General Provisions (P-12491/93;A-1253)(P-7589)(P-8331)
35 Ill. Adm. Code 304 Effluent Standards (P-15223/93;A-267;P-2560)
35 Ill. Adm. Code 620 Groundwater Quality (P-5113)
35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-337;A-6720)(P-6553)
35 Ill. Adm. Code 106 Hearings Pursuant to Specific Rules (P-959;A-4230)
35 Ill. Adm. Code 721 Identification and Listing of Hazardous Waste (P-357;A-6741)(P-6526)
35 Ill. Adm. Code 725 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771)(C-5011)(P-6568)
35 Ill. Adm. Code 728 Land Disposal Restrictions (P-388;A-6799)(C-5013)(P-6535)
35 Ill. Adm. Code 203 Major Stationary Sources Construction and Modification (P-18754/93;A-6335)
35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-12491/93;A-1945)(P-7602)
35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-20203/93;A-4242)(P-7618)
35 Ill. Adm. Code 105 Permits (16366/93;A-4244)
35 Ill. Adm. Code 201 Permits & General Provisions (P-7636)(P-8347)
35 Ill. Adm. Code 732 Petroleum Underground Storage Tanks (P-5403)
35 Ill. Adm. Code 611 Primary Drinking Water Standards (P-7642)
35 Ill. Adm. Code 813 Procedural Requirements for Permitted Landfills (RQ-12409/93;EC-7501)
35 Ill. Adm. Code 702 RCRA and UIC Permit Programs (P-406;A-6918)
35 Ill. Adm. Code 703 RCRA Permit Program (P-419;A-6898)(P-6580)
35 Ill. Adm. Code 817 Requirements for New Steel and Foundry Industry (P-6246)
35 Ill. Adm. Code 810 Solid Waste Disposal: General Provisions (P-8702/93;A-1268)
35 Ill. Adm. Code 814 Standards for Existing Landfills & Units (P-8714/93;A-1284)(E-8488)
35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (P-6600)
35 Ill. Adm. Code 739 Standards for the Management of Used Oil (P-455;A-6931)(C-5017)
35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-8726/93;A-1308)(C-4434)(EC-3021/93;EC-7504)
35 Ill. Adm. Code 724 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439;A-6973)(C-5015)(P-6641)
35 Ill. Adm. Code 303 Water Use Designations & Site Specific Water Quality Standards (P-8726/93;A-2981)
35 Ill. Adm. Code 212 Visible & Particulate Matter Emissions (P-967)

PROFESSIONAL REGULATIONS, DEPARTMENT OF

68 Ill. Adm. Code 1175 Barber, Cosmetology, Esthetics, and Nail Technology Act (P-20171/93;A-4856)
68 Ill. Adm. Code 1505 Certified Veterinary Technicians (P-5737)
68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (P-2566)
68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435/93;A-2370)
68 Ill. Adm. Code 1315 III. Occupational Therapy Practice Act (P-590;A-7373)
68 Ill. Adm. Code 1270 III. Occupational Land Surveyor Act of 1989 (P-14550/93;A-5900)
68 Ill. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act (P-7194)
68 Ill. Adm. Code 1283 Marriage and Family Therapy Licensing Act (P-5477)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (RQ-21209/93;EC-312)
68 Ill. Adm. Code 1375 Professional Counselor and Clinical Professional Counselor Licensing Act (P-7986)
68 Ill. Adm. Code 1455 Real Estate Appraiser Certificates (P-16379/93;A-2379)(P-2733;A-8428)
89 Ill. Adm. Code 102 Rights and Responsibilities (P-2602)
68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989 (P-5749)
68 Ill. Adm. Code 1500 Veterinary Medicine and Surgery Practice Act (P-5758)
PUBLIC AID, DEPARTMENT OF
89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-2753;A-4546)(P-19436/93;A-5909)(P-22247/93;A-6994)(P-7208)
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-13380/93;A-2018)(P-4562)(P-21982/93;A-7759)
89 Ill. Adm. Code 111 Assistance Standards (P-18764/93;A-2029)(P-22262/93;A-7009)
89 Ill. Adm. Code 160 Child Support Enforcement (P-497)(P-12087/93;A-697)
89 Ill. Adm. Code 170 Demonstration Programs (P-19440/93;A-3372)
89 Ill. Adm. Code 149 Diagnosis Related Grouping (DRG) Prospective Payment System (PFS) (P-15243/93;A-3378)
89 Ill. Adm. Code 121 Food Stamps (P-18425/93;A-2033)(P-2178)(E-2509)(P-16405/93;A-3427)(P-4575)(P-6251)

(Public Aid, cont.)	
89 Ill. Adm. Code 114	General Assistance (P-19443/93; A-3436) (P-4586; P-22308/93; A-7190)
89 Ill. Adm. Code 152	Hospital Reimbursement Changes (P-1677) (E-2150)
89 Ill. Adm. Code 153	Long Term Care Reimbursement Changes (P-1686) (E-2159)
89 Ill. Adm. Code 120	Medical Assistance Programs (P-13392/93; A-2051) (P-4063) (P-221266/93; A-5934)
89 Ill. Adm. Code 140	Medical Payment (P-18436/93; A-3620) (P-17736/93; A-3620) (P-15444/93; A-4250) (P-4077) (P-4597) (P-5778) (P-18768/93; A-5951)
89 Ill. Adm. Code 147	Reimbursement for Nursing Costs for Geriatric Facilities (P-14803/93; A-2405) (P-18788/93; A-4274)
89 Ill. Adm. Code 117	Related Program Provisions (P-21158/93; A-3746) (P-22007/93; A-7403)
89 Ill. Adm. Code 102	Rights and Responsibilities (P-15461/93; A-273)
PUBLIC HEALTH, DEPARTMENT OF	
77 Ill. Adm. Code 692	AIDS Drug Reimbursement Program (P-12590/93; A-1427)
77 Ill. Adm. Code 598	Allied Health Care Professional Assistance Law (P-3077)
77 Ill. Adm. Code 205	Ambulatory Surgical Treatment Center Licensing Requirements (P-4653)
77 Ill. Adm. Code 665	Child Health Examination Code (P-2697/93; A-4296)
77 Ill. Adm. Code 690	Communicable Disease Control & Immunizations (P-1690)
77 Ill. Adm. Code 635	Family Planning (P-19882/93; A-5969)
77 Ill. Adm. Code 250	Hospital Licensing Requirements (P-46)
77 Ill. Adm. Code 790	Illinois Formulary for the Drug Product Selection Program (PR-3202; P-2205) (ER-3755; E-3778)
77 Ill. Adm. Code 596	Illinois Rural Health Code (P-3086)
77 Ill. Adm. Code 350	Intermediate Care for the Developmentally Disabled Facilities Code (P-12104/93; A-1432) (P-4904)
77 Ill. Adm. Code 245	Illinois Home Health Agency Code (P-747/93; A-2414)
77 Ill. Adm. Code 540	Illinois Trauma Center Code (P-12101/93; A-2620)
77 Ill. Adm. Code 845	Lead Poisoning Prevention (P-8021)
77 Ill. Adm. Code 610	Local Health Department Development Grant Rules (P-14824/93; A-4310)
77 Ill. Adm. Code 615	Local Health Protection Grant Rules (P-17798/93; A-4320; PR-1774/93; AR-4317)
77 Ill. Adm. Code 390	Long-term Care for Under Age 22 Facilities Code (P-12128/93; A-1453) (P-4924)
77 Ill. Adm. Code 630	Maternal and Child Health Services Code (P-3069/93; A-4380)
77 Ill. Adm. Code 600	Minimum Qualifications for Personnel/Employed by Local Departments Code (P-14806/93; A-4476; PR-14831/93; AR-4422)
77 Ill. Adm. Code 1100	Narrative & Planning Policies (P-12606/93; A-2986)
77 Ill. Adm. Code 1110	Processing, Classification Policies & Review Criteria (P-12593/93; A-2993)
77 Ill. Adm. Code 505	Pregnancy Termination Report Code (P-13631/93; A-533)
77 Ill. Adm. Code 960	Preventive Health & Health Services Block Grant Programs (P-2180)
77 Ill. Adm. Code 547	Preventive Health & Health Services Block Grants PHHS Rules (P-2205)
77 Ill. Adm. Code 420	Regional Ambulance Services Code (P-95; A-6340)
	Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (PR-103)
77 Ill. Adm. Code 100	Rules of Practice and Procedure in Administrative Hearings (P-12153/93; A-5980)
77 Ill. Adm. Code 1400	Sale of Bonds (P-4538)
77 Ill. Adm. Code 330	Sheltered Care Facilities Code (P-12188/93; A-1475) (P-4942)
77 Ill. Adm. Code 300	Skilled Nursing & Intermediate Care Facilities Code (P-12205/93; A-1491) (P-4961)
77 Ill. Adm. Code 270	Subacute Care Hospital Demonstration Program Code (P-9654/93; A-2424)
77 Ill. Adm. Code 672	WIC Vendor Management Code (P-12228/93; A-2450)
PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD	
77 Ill. Adm. Code 1100	Narrative and Planning Policies (P-8144/93; A-8448)
77 Ill. Adm. Code 1110	Classification Policies and Review Criteria (P-8149/93; A-8455)
RACING BOARD, ILLINOIS	
11 Ill. Adm. Code 206	Board Meetings (P-112; A-7407)
11 Ill. Adm. Code 208	Charitable Funds (P-115; A-7410)
11 Ill. Adm. Code 510	Claiming Races (P-15790/93; A-2064) (P-5500)
11 Ill. Adm. Code 1405	Clerk of the Scales (P-5503)
11 Ill. Adm. Code 210	Definitions (P-19057/93; A-2072)
11 Ill. Adm. Code 401	Definitions (P-10030/93; A-2087)
11 Ill. Adm. Code 1304	Definitions (P-19033/93; A-2088)
11 Ill. Adm. Code 501	Definitions & Interpretations (P-19040/93; A-2089)

(Ill. Racing Board, cont.)	
11 Ill. Adm. Code 1401	Definitions & Interpretations (P-19050/93; A-2090)
11 Ill. Adm. Code 1413	Entries, Subscriptions and Declarations (P-5505)
11 Ill. Adm. Code 207	Executive Secretary (P-124; A-7418)
11 Ill. Adm. Code 1313	General License Rules (P-6680)
11 Ill. Adm. Code 204	Hearings and Enforcement Proceedings (P-126; A-7419)
11 Ill. Adm. Code 1411	Jockeys, Apprentice Jockeys, Agency & Valets (P-19892/93; A-2092)
11 Ill. Adm. Code 502	Licensing (P-5508)
11 Ill. Adm. Code 509	Medication (P-2832; A-7428) (P-5795)
11 Ill. Adm. Code 405	Pen-Mutuels (P-2838)
11 Ill. Adm. Code 308	Pick (N) Pools (P-1773; A-7433)
11 Ill. Adm. Code 438	Pick N Wagering Pool (PR-2841; AR-7439)
11 Ill. Adm. Code 1440	Quarter Horse Racing (P-15799/93; A-2098)
11 Ill. Adm. Code 1415	Starting (P-5512)
11 Ill. Adm. Code 311	Superfecta (P-1780; A-7440)
11 Ill. Adm. Code 433	Totalizer Operations (P-1773; A-7443)
REHABILITATION SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 515	Advisory Councils (P-2846)
89 Ill. Adm. Code 688	Illinois-Long-Term Care Partnership Demonstration Program (P-4093)
89 Ill. Adm. Code 830	Non-Academic Programs and Policies (P-6267)
89 Ill. Adm. Code 546	Public Use of DORS Facilities (P-1784)
89 Ill. Adm. Code 640	Projects with Industry (P-4097)
89 Ill. Adm. Code 590	Services (P-3106)
REVENUE, DEPARTMENT OF	
86 Ill. Adm. Code 430	Bingo License and Tax Act (P-4101)
86 Ill. Adm. Code 435	Charitable Games Act (P-4109)
86 Ill. Adm. Code 100	Income Tax (P-15471/93; A-1510) (P-17861/93; A-2494) (P-21163/93; A-4451)
86 Ill. Adm. Code 500	Motor Fuel Tax (CC-4451)
86 Ill. Adm. Code 750	Payment of Taxes by Electronic Funds Transfer (P-6112)
86 Ill. Adm. Code 432	Pull Tabs and Jar Games Act (P-4117)
86 Ill. Adm. Code 120	Real Estate Transfer Tax (P-1789)
86 Ill. Adm. Code 130	Retailers' Occupation Tax (P-982) (P-15501/93; A-1537) (P-6684)
86 Ill. Adm. Code 140	Service Occupation Tax (P-15515/93; A-1550)
86 Ill. Adm. Code 160	Service Use Tax (P-15522/93; A-1557)
86 Ill. Adm. Code 700	Uniform Penalty & Interest Act (P-16421/93; A-1561)
86 Ill. Adm. Code 150	Use Tax (P-15527/93; A-1584)
SECRETARY OF STATE	
14 Ill. Adm. Code 150	Business Corporation Act (P-1793; A-7783)
92 Ill. Adm. Code 1040	Cancellation, Revocation or Suspension of Licenses or Permits (P-1797; A-7447) (P-2608) (P-2853)
92 Ill. Adm. Code 1060	Commercial Driver Training Schools (P-142; A-7788)
23 Ill. Adm. Code 3030	Ill. Library System Act (P-19072/93; A-7452)
92 Ill. Adm. Code 1070	Ill. Safety Responsibility Law (P-2217)
23 Ill. Adm. Code 3070	Illinois State Library Training Program Grants (P-19460/93; A-4981)
92 Ill. Adm. Code 1030	Issuance of Licenses (P-993; A-7478) (P-15803/93; A-1591)
23 Ill. Adm. Code 3040	Literacy Grant Program (P-18441/93; A-4990)
92 Ill. Adm. Code 1001	Procedures and Standards (P-7731; E-7916)
23 Ill. Adm. Code 3060	Public Library Construction Grants (P-18687/93; A-4996)
1 Ill. Adm. Code 100	Rulemaking (P-7087)
14 Ill. Adm. Code 180	Uniform Commercial Code (P-18793/93; A-2101)
STATE POLICE MERIT BOARD, DEPARTMENT	
2 Ill. Adm. Code 2050	Public Information, Rulemaking and Organization (A-6019)

(Public Hearings, cont.)
PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD
77 Ill. Adm. Code 830; Structural Pest Control Code
2174

NOTICE OF PUBLIC INFORMATION
AGRICULTURE, DEPARTMENT OF
Animal Diagnostic Laboratory Act
2527

ATTORNEY GENERAL, ILLINOIS
Proposed Consent Decree pursuant to the Comprehensive Environment Response,
Compensation & Liability Act & the Ill. Environmental Protection Act;
Amoco Chemical/Joliet Landfill
3035

BANKS AND TRUST COMPANIES, COMMISSIONER OF
Notice of Public Meeting of the Illinois Fiduciary Advisory Committee
Notice of Public Meeting-State Banking Board of Ill. and the Board of Trustees of the
Ill. Bank Examiner's Education Foundation
2528
Notice of Acceptance of an Application; AMBANC Corp., Vincennes, Indiana
to Acquire Lincolnland Bancshares, Inc., Casey, Ill.
7511

ENVIRONMENTAL PROTECTION AGENCY
Listing of Derived Water Criteria
318

INSURANCE, DEPARTMENT OF
Long-Term Care Partnership Insurance
4464

POLLUTION CONTROL BOARD
Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) [415 ILCS 5/7.2(b)]
3154

PUBLIC AID, DEPARTMENT OF
Proposed change in Reimbursements to Hospitals under the Medicaid Program
5020

REVENUE, DEPARTMENT OF
Private Letter Rulings, Illinois Department of Labor Sunshine Act [20 ILCS 2515/1, et seq.]
Index Letter Rulings (Fourth Quarter of 1993)(Income Tax)
7028
Index Letter Rulings (Fourth Quarter of 1993)(ROT)
7512
Index Letter Rulings (First Quarter of 1994)(Income Tax)
7953

NOTICE OF CORRECTIONS
COMPTROLLER, OFFICE OF
Ill. Funeral or Burial Funds Act; 38 Ill. Adm. Code 610
8172

LIEUTENANT GOVERNOR, OFFICE OF THE
Keep Ill. Beautiful Program; 47 Ill. Adm. Code 600
796

REVENUE, DEPARTMENT OF
Index of Letter Rulings (Third Quarter 1993) (ROT)
SECRETARY OF STATE
Ill. Safety Responsibility Law; 92 Ill. Adm. Code 1070
3016

NOTICE OF REQUEST FOR EXPEDITED CORRECTIONS
POLLUTION CONTROL BOARD
Procedural Requirements for Permitted Landfills; 35 Ill. Adm. Code 813
Standards for New Solid Waste Landfills; 35 Ill. Adm. Code 811
3018
3021

NOTICE OF EXPEDITED CORRECTIONS
COMMUNITY COLLEGE BOARD, ILLINOIS
Administration of the Ill. Public Community Act; 23 Ill. Adm. Code 1501
3027

REGULATORY FLEXIBILITY IMPACT ANALYSIS
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF
2533, 2534, 3037, 3793, 3794, 4466, 6452, 6453, 7068, 7069

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AGENDA
Meeting of January 11, 1994
Meeting of February 15, 1994
Meeting of March 22, 1994
326
2535

STUDENT ASSISTANCE COMMISSION, ILLINOIS
23 Ill. Adm. Code 2771 College Savings Bond Bonus Incentive Grant (Big) Program (P-1006)
23 Ill. Adm. Code 2720 Federal Family Education Loan Program (P-1013)
23 Ill. Adm. Code 2700 General Provisions (P-1037)

Grant Programs for Dependents of Correctional Officers (P-1054)
23 Ill. Adm. Code 2731 Illinois National Guard Grant Program (P-1058)
23 Ill. Adm. Code 2730 Illinois Veteran Grant (IVG) Program (P-1064)
23 Ill. Adm. Code 2733 Merit Recognition Scholarship (MRS) Program (P-1073)
23 Ill. Adm. Code 2761 Minority Teachers of Ill. (MTT) Scholarship Program (P-1080)
23 Ill. Adm. Code 2763 Paul Douglas Teacher Scholarship Program (P-1089)
23 Ill. Adm. Code 2762 Police Officer/Fire Officer Survivor Grant Program (P-1098)
23 Ill. Adm. Code 2732 State Scholar Program (P-1073)(P-1803)
23 Ill. Adm. Code 2770 Student to Student (STS) Program of Matching Grants (P-1102)

TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS
80 Ill. Adm. Code 1650 The Administration and Operation of the Teachers' Retirement System (A-22487/93; P-

TRANSPORTATION, DEPARTMENT OF
92 Ill. Adm. Code 14 Aviation Safety (P-5796)
92 Ill. Adm. Code 177 Carriage by Public Highway (P-21305/93; A-7852)
92 Ill. Adm. Code 700 Construction in Floodways of Rivers, Lakes & Streams (P-607;E-790; A-8167)
92 Ill. Adm. Code 180 Continuing Qualification & Maintenance of Packaging (P-21310;A-7857)
92 Ill. Adm. Code 397 Driving & Parking (P-13686/93;A-736)
92 Ill. Adm. Code 392 Driving of Motor Vehicles (P-13690/93;A-740)(P-2909)
92 Ill. Adm. Code 600 Employee Commute Options (P-12613/93; A-540)
92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1811)
92 Ill. Adm. Code 171 General Information, Regulations and Definitions (P-21314/93;A-7861)
92 Ill. Adm. Code 172 Hazardous Materials Table and Hazardous Materials (P-21326/93;A-7874)
92 Ill. Adm. Code 395 Hours of Service of Drivers (P-13693/93;A-743)
92 Ill. Adm. Code 396 Inspection, Repair & Maintenance (P-13699/93;A-749)
92 Ill. Adm. Code 440 Minimum Safety Standards for Construction of Type I School Buses (P-6272)
92 Ill. Adm. Code 442 Minimum Safety Standards for Construction of Type II School Buses (P-6304)
92 Ill. Adm. Code 444 Minimum Safety Standards for Construction of School Buses used in Special Education Transportation (P-6318)
92 Ill. Adm. Code 390 Motor Carrier Safety Regs. (P-13986/93;A-754)(P-2912)
92 Ill. Adm. Code 456 Non-scheduled Bus Inspections (P-4126)
92 Ill. Adm. Code 393 Parts & Accessories Necessary for Safe Operation (P-13730/93;A-774)
44 Ill. Adm. Code 650 Prequalification of Contractors & Issuance of Plans & Proposals (P-3208)
92 Ill. Adm. Code 107 Procedures (P-21333/93;A-7881)
92 Ill. Adm. Code 386 Procedures & Enforcement (P-13734/93;A-778)
92 Ill. Adm. Code 391 Qualification of Drivers (P-13739/93;A-783)
92 Ill. Adm. Code 518 Relocation Assistance and Payments Program (P-12628/93;A-283)
92 Ill. Adm. Code 173 Shippers General Requirements for Shipments and Packaging (P-21345/93;A-7895)
92 Ill. Adm. Code 178 Specifications for Packaging (P-21351/93;A-7901)
92 Ill. Adm. Code 179 Specifications for Tank Cars (P-21362/93;A-7912)
92 Ill. Adm. Code 533 Use and Enjoyment of Rest Areas (P-18447/93;A-2625)
92 Ill. Adm. Code 450 Vehicle Inspection Section Hearings (P-7733)

UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF
23 Ill. Adm. Code 1300 Certificate of Certified Accountants (P-5515)
89 Ill. Adm. Code 1200 Program Content & Guidelines for Division of Specialized Care for Children (P-7780/93;A-2104)

NOTICE OF PUBLIC HEARINGS
CARNIVAL-AMUSEMENT SAFETY BOARD
56 Ill. Adm. Code 6000; Carnival and Amusement Ride Inspection Law
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
89 Ill. Adm. Code 408; Licensing Standards for Group Day Care Homes
89 Ill. Adm. Code 406; Licensing Standards for Day Care Homes
PROFESSIONAL REGULATIONS, DEPARTMENT OF
68 Ill. Adm. Code 1375; Professional Counselor and Clinical Professional Licensing Act
6187
5364
5363
8200

(JCAR, cont.)	
Meeting of April 19, 1994	6023
Meeting of May 17, 1994	7544
SECOND NOTICES RECEIVED	
334, 357, 801, 1658, 2175, 2543, 2668, 3038, 3156, 3795, 4474, 5022, 5365, 5711, 6029, 6188, 6455, 7072, 7552, 7961, 8202, 8505	
JOINT COMMITTEE ON ADMINISTRATIVE RULES-STATEMENTS OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 2650, Recommendation	3151
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Licensing Standards for Day Care Homes; 89 Ill. Adm. Code 406, Recommendation	3152
Licensing Standards for Group Day Care Homes; 89 Ill. Adm. Code 408, Recommendation	3153
EMPLOYMENT SECURITY	
Notice, Records, Reports; 56 Ill. Adm. Code 2760, Objection	7070
FINANCIAL INSTITUTIONS	
Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory	
Currency Exchanges; 38 Ill. Adm. Code 130, Withdrawal of Filing Prohibition	7071
RACING BOARD, ILLINOIS	
Medication; 11 Ill. Adm. Code 509, Objection	8504
STATE FIRE MARSHAL, OFFICE OF	
Policy & Procedures Manual for Fire Protection Personnel; 41 Ill. Adm. Code 140, Recommendation	8503
EXECUTIVE ORDERS AND PROCLAMATIONS	
94-1 The Illinois Task Force on School-To-Work Transition	1659
94-2 Executive Order Creating The Illinois Commission on Regulatory Review	1661
94-3 Flood Transfer III	2669
94-4 Danville Sewage Treatment Facility	7074
PROCLAMATIONS	
93-553 Financial Literacy for Youth Month	336
93-554 Religious Freedom Day	559
93-555 Franchising Week	559
93-556 Self-Esteem Month	560
94-1 Black Data Processing Associates Day	802
94-2 Sertoma National Heritage Freedom Week	802
94-3 Alcoholism Halfway House Days	803
94-4 Bangladesh Day	803
94-5 Catholic Schools Week	804
94-6 Land Surveyors' Month	804
94-7 Dr. Martin Luther King Jr. Day/Day of Tribute	804
94-8 African-American Unity March Day	2546
94-9 Human Services Week	2546
94-10 Ivan And Ruth Frick Day	2547
94-11 Week of the High Risk Child	2547
94-12 African-American History Month	2548
94-13 Free Enterprise Week	2548
94-14 International Festival Week	2548
94-15 Martina Navratilova Days	2549
94-16 Save A Life Day	2550
94-17 Student Financial Aid Awareness Month	2550
94-18 Self-Esteem Week	2674
94-19 Long-Term Care Administrators Week	2674
94-20 Nursing Home Week	2674
94-21 Kwanzaa Week	2675
94-22 AFS Host Family Recognition Week	2675
94-23 Little City Foundation/Chicago Luvabulls Super Bowl Party Day	2676
94-24 National People's Action Take Back Our Streets and Communications Day	2676

94-25 Toughlove Programs Against Violence Month/Day Against Violence	2677
94-26 FFA Week	2677
94-27 Child Passenger Safety Month	2678
94-28 Dr. Carter G. Woodson Day	2679
94-29 Four Chaplains Sunday	2679
94-30 Lithuanian Independence Day	2680
94-31 Seed Month	2680
94-32 Post Anesthesia Nurses Awareness Week	2681
94-33 Dick Helton Day	2681
94-34 Engineers Week	3040
94-35 Future Business Leaders of America-Phi Lambda Week	3040
94-36 GFWC Waulegan Woman's Club Day	3040
94-37 Manufacturing Week	3041
94-38 Marketing Week	3042
94-39 Multiple Sclerosis Awareness Month	3042
94-40 Nutrition Month	3042
94-41 Reading Is Fun Week	3043
94-42 Tornado Preparedness Week	3043
94-43 Representative Bob Olson Day	3044
94-44 Doctor's Day	3157
94-45 African American Contractors Day	3157
94-46 American Red Cross Month	3157
94-47 Chicago Academy for The Arts-5th Annual Dessert Classic Day	3158
94-48 Chronic Fatigue Syndrome Awareness Month	3159
94-49 National American Business Club Month	3159
94-50 School Breakfast Week	3160
94-51 School Social Work Week	3160
94-52 Denim Day	3161
94-53 Dental Assistants Recognition Week	3162
94-54 Employ The Older Worker Week	3162
94-55 Breastfeeding Promotion Month	3797
94-56 Herman M. Finch Day	3797
94-57 Music Education Day At The Capitol	3798
94-58 Carondeau Day	3798
94-59 DuPage Symphony Orchestra Day	3799
94-60 Eye Donor Awareness Month	3800
94-61 Southern Illinois University Quasiquintennial Day	3800
94-62 Apprenticeship Week	4475
94-63 Building Safety Week	4475
94-64 Greek Independence Day	4476
94-65 Malcolm X College Career Expo Day	4476
94-66 Professional Social Workers Month	4477
94-67 Casimir Pulaski Day	4477
94-68 Alcohol Awareness Month/Illinois State Youth Forum Day	4478
94-69 Certified Nurse Assistant Day	4478
94-70 Curtis Mayfield Day	4479
94-71 Licensed Practical Nurse Week	4479
94-72 Long-Term Care Nurses Week	4480
94-73 Volunteer Week	4480
94-74 Youth Art Month	4481
94-75 Parents Inservice Conference Days	4481
94-76 Bob Leininger Day	4482
94-67 Casimir Pulaski Day (Revised)	5024
94-77 Chicago Opportunity Days	5024
94-78 Mental Retardation And SPARC Awareness Month	5025
94-79 Tree City USA Month	5025
94-80 Agriculture Day	5026
94-81 Tibetan Day	5367
94-82 Violence Prevention Month	5367

94-83	Bicycle Helmet and Safety Awareness Week	5368
94-84	Free Paper Week	5368
94-85	VA West Side Medical Center Women's History Month	5368
94-86	Camp Fire Boys and Girls Day	5369
94-87	Chicago Latino Film Festival Days	5369
94-88	Student Council Week	5370
94-89	U.S. Savings Bond Campaign Month	5370
94-90	High Blood Pressure and Stroke Awareness Month	5372
94-91	Irish American Heritage Month	5712
94-92	Youth Temperance Education Week	5713
94-93	Arbor Day in Palos Heights	5713
94-94	Federal Employee of the Year Day	5714
94-95	Hennietta Sisk Day	5714
94-96	Lake and Watershed Management Month	5715
94-97	Medical Laboratory Week	5716
94-98	Motorcycle Awareness Month	5716
94-99	Nurses: The Heart of the Health Care Team Day	5716
94-100	Public Health Month	5717
94-101	Rural Electric and Telephone Youth Day	5718
94-102	Student-Athlete Day	5718
94-103	Call Before You Dig Month	6031
94-104	Continuity Of Care Week	6031
94-105	D.A.R.E. Day	6032
94-106	Illinois Community College Month	6032
94-107	Sexual Assault Awareness Month	6033
94-108	STD Awareness Month	6033
94-109	Women's Federation For World Peace Days	6034
94-110	American Association for Affirmative Action Days	6034
94-111	Illinois State Quartet Convention Week	6035
94-112	Probation Officer Day	6035
94-113	Professional Secretaries Week/Professional Secretaries Day	6036
94-114	Saving Month	6036
94-115	Soccer In The Street Day	6036
94-116	Telecommunicator Week	6037
94-117	Infant Immunization Week	6037
94-118	Natural Resources Stewardship Month	6038
94-119	Holocaust Commemoration Month	6190
94-120	Illinois Cancer Pain Awareness Week	6190
94-121	Emergency Medical Services Week	6190
94-122	Home Safety Week	6191
94-123	Manufactured Housing Month	6191
94-124	Month of the Young Child	6192
94-125	Organ And Tissue Donor Awareness Week	6193
94-126	Queen Isabella Day	6193
94-127	Week of the Young Child	6194
94-128	Harry Carey Day	6194
94-129	Logistics Week	6195
94-130	AIDS Awareness Day/AIDS Walk Springfield Day	6195
94-131	American POW Recognition Day	6196
94-132	James S. Kemper, Jr. Day	6196
94-133	Jewish Cultural Week	6197
94-134	Pakistan Day	6197
94-135	Purple Bows For Cancer's 2nd Introduction Day	6198
94-136	Chicago Youth Symphony Orchestra Day	6198
94-137	Crime Victims Rights Week	6199
94-138	Holocaust Commemoration Month (Revised)	6199
94-139	Israel Independence Day	6200
94-140	Louis B. Kuhn Day	6200
94-141	Tufts University Week	6201

94-141	Disaster Area-Douglas County	6457
94-142	Disaster Area-Calhoun, Green and Jersey Counties	6457
94-143	Disaster Exists Within State of Illinois	6458
94-144	Disaster Area-Alexander, Cass, Menard, Sangamon, Dewitt and Vermillion Counties	6458
94-145	Anthony M. Tortorello Day	6459
94-146	Dave and Linda Kindernay Day	6459
94-147	Design/Drafting Week	6460
94-148	Harold Washington Day	6461
94-149	Illinois Eye Fund/UIC Eye Center Day	6461
94-150	Medical Assistants Week	6462
94-151	Year of the Conger Expedition	6462
94-152	Youth Service Day	6463
94-153	Chicago Coin Club Day	6463
94-154	Child Abuse Prevention Services Day	6463
94-155	Keep America Beautiful Month	6464
94-156	Seb Ira Stearns Day	6465
94-157	Girl Scout Leaders Day	6465
94-158	Disaster Areas-Champaign and Inquoins Counties	7075
94-159	Christian Heritage Week	7075
94-160	Derryll Hartley-Leonard and Hyatt Hotels Corporation Day	7076
94-161	Scientific Literacy Week	7076
94-162	E.M. (Buck) Chastain Day	7077
94-163	Groundwater Protection Month	7078
94-164	Monsignor Edward J. Duncan Day	7078
94-165	Smiles for Little City Days	7079
94-166	George Hovanec Appreciation Day	7079
94-167	Kim Deakins, Janelle King and Mary Murphy Day	7080
94-168	Suicide Prevention Week/Survivors of Suicide Day	7080
94-169	Day of Prayer	7081
94-170	James M. Bailey Day	7081
94-171	Chicago Commons Month	7082
94-172	Charleston Area Senior Center Day	7083
94-173	Community Banking Week	7083
94-174	Correctional Officer Week	7084
94-175	Dyslexia/Learning Disabilities Month	7084
94-176	Home Education Week	7085
94-177	Maitoon Area Senior Center Day	7085
94-178	Zion Missionary Baptist Day	7086
94-179	Disaster Areas - Madison, Madon, Monroe, Platt and St. Clair Counties	7963
94-180	Better Hearing and Speech Month	7963
94-181	Bike Month	7964
94-182	Cyototechnology Day	7964
94-183	Drinking Water Week	7965
94-184	George Tammings Day	7965
94-185	Holy Name of Mary Parish Women's Day	7966
94-186	Law Day	7966
94-187	Mathematics Awareness Week	7967
94-188	Metropolitan Pier and Exposition Authority Employee Longevity Day	7967
94-189	Mother of the Year Day	7968
94-190	Nurses Week	7968
94-191	Older Americans Month	7969
94-192	Public Service Recognition Day	7970
94-193	Children's Emotional and Behavioral Disorders Awareness Week	7971
94-194	Illinois Small Business Week	7971
94-195	Hadassah Days	7972
94-196	Family Service DuPage Day	7972
94-197	Life Insurance Week	7973
94-198	South Holland Centennial Day/South Holland Centennial Month	7973
94-199	Asian Pacific American Heritage Month	7974

ILLINOIS REGISTER
CUMULATIVE INDEX

June 3, 1994

Vol. 18, Issue #22

ILLINOIS REGISTER
CUMULATIVE INDEX

June 3, 1994

94-200 Dr. Joseph C. Delpiaz Day 7975
94-201 Foster Parent Appreciation Month 7975
94-202 Polish Constitution Day 7976
94-203 Women in Trades Career Day 7976
94-204 Illinois State Chamber of Commerce/75th Anniversary Year 7977
94-205 Loyalty Day 7978
94-206 Music Week 7978
94-207 RP Awareness Day 7979
94-208 Chicago Crime Commission Day 7979
94-209 Eugene E. Lunger Day 7980
94-210 National Association of Women Business Owners Public Affairs Day 7980
94-211 Physical Fitness and Sports Month/Physical Education and Sports Week 7981
94-212 Project Aces Day 7982
94-213 Cambodian Culture Days 7982
94-214 Gene Skelton Day 7983
94-215 Kintorei Week 7983
94-216 React Month 7984
94-217 Womens Lawyers' Day 7985
94-218 Arts Week 8204
94-219 Rotary Club of Oak Park Day 8204
94-220 SCORE DAY 8205
94-221 A.J. Boggio Day 8205
94-222 D.A.R.E. Family Night with the Cardinals 8206
94-223 Howard A. Peters III Day 8207
94-224 Mother's Day 8208
94-225 Palos Heights Public Library Day 8208
94-226 Planet Illinois Day 8209
94-227 Gateway Foundation Day 8209
94-228 Legacy Foundation Day 8210
94-229 National Association of Insurance Women's Week 8210
94-230 Surgical Technologists Week 8211
94-231 World Cup Education Month/World Cup Dues 8211
94-232 Child Support Awareness Month 8212
94-233 Electrical Safety Month 8213
94-234 Highland Community College Collegiate Choir Day 8213
94-235 Telephone Operators Week at Illinois Masonic Medical Center 8214
94-236 Alan F. Quoss Day 8214
94-237 CPA Day 8214
94-238 Maritime Day 8215
94-239 Railroad Women's Day 8215
94-240 Tourism Day 8216
94-241 Transportation Day 8216
94-242 Buckle-Up America Month 8217
94-243 Dr. William Hill Day 8218
94-244 Stamp Collecting Week 8218
94-245 Tourism Day 8507
94-246 Black Child Development Week 8507
94-247 ENCARE Day 8507
94-248 Public Humanities Day 8508
94-249 School Counselor Week 8508
94-250 Gosh American Heritage Week 8509
94-251 Jeff Childs Day 8510
94-252 John Stofel Day 8510
94-253 Ray Passis Day 8511
94-254 Raymond J. Norbut Day 8511
94-255 Ron Koerpl Day 8512
94-256 Cornelia de Lange Awareness Day 8512
94-257 CRS Day 8513
94-258 Eugene C. Swager Day 8513

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 III. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New Section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction
PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

1994

100.670	am	(P-7087)	220.285	am	(P-13307/93.A.4758)
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100.1370	am	(P-7087)	220.E.W	am	(P-13307/93.A.4758)
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100.1530	am	(P-7087)	220.F.M	am	(P-13307/93.A.4758)
100.1540	am	(P-7087)	220.F.N	am	(P-13307/93.A.4758)
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100.1570	am	(P-7087)	220.F.Q	am	(P-13307/93.A.4758)
100.1580	am	(P-7087)	220.F.R	am	(P-13307/93.A.4758)
100.1590	am	(P-7087)	220.F.S	am	(P-13307/93.A.4758)
100.1600	am	(P-7087)	220.F.T	am	(P-13307/93.A.4758)
100.1610	am	(P-7087)	220.F.U	am	(P-13307/93.A.4758)
100.1620	am	(P-7087)	220.F.V	am	(P-13307/93.A.4758)
100.1630	am	(P-7087)	220.F.W	am	(P-13307/93.A.4758)
100.1640	am	(P-7087)	220.F.X	am	(P-13307/93.A.4758)
100.1650	am	(P-7087)	220.F.Y	am	(P-13307/93.A.4758)
100.1660	am	(P-7087)	220.F.Z	am	(P-13307/93.A.4758)

(Title 1, cont.)

230.900	am	(P-13223/93.A.1233)	600.10	am	(P-13223/93.A.1233)
230.1000	am	(P-13223/93.A.1233)	600.11	am	(P-13223/93.A.1233)
230.Ex.A	am	(P-13223/93.A.1233)	600.12	am	(P-13223/93.A.1233)
230.Ex.B	am	(P-13223/93.A.1233)	600.13	am	(P-13223/93.A.1233)
230.Ex.C	am	(P-13223/93.A.1233)	600.14	am	(P-13223/93.A.1233)
230.Ex.D	am	(P-13223/93.A.1233)	600.15	am	(P-13223/93.A.1233)
230.Ex.E	am	(P-13223/93.A.1233)	600.16	am	(P-13223/93.A.1233)
230.Ex.F	am	(P-13223/93.A.1233)	600.17	am	(P-13223/93.A.1233)
240.	re	(CC-7499)	600.18	am	(P-13223/93.A.1233)
240.100	am	(P-13294/93.A.4745)	600.19	am	(P-13223/93.A.1233)
240.200	am	(P-13294/93.A.4745)	600.20	am	(P-13223/93.A.1233)
240.300	am	(P-13294/93.A.4745)	600.21	am	(P-13223/93.A.1233)
240.400	am	(P-13294/93.A.4745)	600.22	am	(P-13223/93.A.1233)
240.500	am	(P-13294/93.A.4745)	600.23	am	(P-13223/93.A.1233)
240.600	am	(P-13294/93.A.4745)	600.24	am	(P-13223/93.A.1233)
240.700	am	(P-13294/93.A.4745)	600.25	am	(P-13223/93.A.1233)
240.800	am	(P-13294/93.A.4745)	600.26	am	(P-13223/93.A.1233)
240.900	am	(P-13294/93.A.4745)	600.27	am	(P-13223/93.A.1233)
240.1000	am	(P-13294/93.A.4745)	600.28	am	(P-13223/93.A.1233)
240.1100	am	(P-13294/93.A.4745)	600.29	am	(P-13223/93.A.1233)
245.	re	(CC-7499)	600.30	am	(P-13223/93.A.1233)
245.100	am	(P-13248/93.A.4720)	600.31	am	(P-13223/93.A.1233)
245.110	am	(P-13248/93.A.4720)	600.32	am	(P-13223/93.A.1233)
245.120	am	(P-13248/93.A.4720)	600.33	am	(P-13223/93.A.1233)
245.130	am	(P-13248/93.A.4720)	600.34	am	(P-13223/93.A.1233)
245.140	am	(P-13248/93.A.4720)	600.35	am	(P-13223/93.A.1233)
245.Ex.A	am	(P-13248/93.A.4720)	600.36	am	(P-13223/93.A.1233)
245.Ex.B	am	(P-13248/93.A.4720)	600.37	am	(P-13223/93.A.1233)
250.200	am	(P-13257/93.A.4728)	600.38	am	(P-13257/93.A.4728)
250.300	am	(P-13257/93.A.4728)	600.39	am	(P-13257/93.A.4728)
250.400	am	(P-13257/93.A.4728)	600.40	am	(P-13257/93.A.4728)
250.500	am	(P-13257/93.A.4728)	600.41	am	(P-13257/93.A.4728)
250.600	am	(P-13257/93.A.4728)	600.42	am	(P-13257/93.A.4728)
250.700	am	(P-13257/93.A.4728)	600.43	am	(P-13257/93.A.4728)
250.800	am	(P-13257/93.A.4728)	600.44	am	(P-13257/93.A.4728)
250.900	am	(P-13257/93.A.4728)	600.45	am	(P-13257/93.A.4728)
250.1000	am	(P-13257/93.A.4728)	600.46	am	(P-13257/93.A.4728)
250.1100	am	(P-13257/93.A.4728)	600.47	am	(P-13257/93.A.4728)
250.1200	am	(P-13257/93.A.4728)	600.48	am	(P-13257/93.A.4728)
250.1300	am	(P-13257/93.A.4728)	600.49	am	(P-13257/93.A.4728)
250.1400	am	(P-13257/93.A.4728)	600.50	am	(P-13257/93.A.4728)
250.1500	am	(P-13257/93.A.4728)	600.51	am	(P-13257/93.A.4728)
250.1600	am	(P-13257/93.A.4728)	600.52	am	(P-13257/93.A.4728)
250.1700	am	(P-13257/93.A.4728)	600.53	am	(P-13257/93.A.4728)
250.1800	am	(P-13257/93.A.4728)	600.54	am	(P-13257/93.A.4728)
250.1900	am	(P-13257/93.A.4728)	600.55	am	(P-13257/93.A.4728)
250.2000	am	(P-13257/93.A.4728)	600.56	am	(P-13257/93.A.4728)
250.2100	am	(P-13257/93.A.4728)	600.57	am	(P-13257/93.A.4728)
250.2200	am	(P-13257/93.A.4728)	600.58	am	(P-13257/93.A.4728)
255.10	re	(E-5359)	600.59	am	(P-13257/93.A.4728)
255.20	re	(CC-7595)	600.60	am	(P-13257/93.A.4728)
260.	re	(CC-7595)	600.61	am	(P-13257/93.A.4728)
260.100	am	(P-13233/93.A.4705)	600.62	am	(P-13233/93.A.4705)
260.200	am	(P-13233/93.A.4705)	600.63	am	(P-13233/93.A.4705)
260.300	am	(P-13233/93.A.4705)	600.64	am	(P-13233/93.A.4705)
260.350	am	(P-13233/93.A.4705)	600.65	am	(P-13233/93.A.4705)
260.400	am	(P-13233/93.A.4705)	600.66	am	(P-13233/93.A.4705)
260.450	am	(P-13233/93.A.4705)	600.67	am	(P-13233/93.A.4705)
260.500	am	(P-13233/93.A.4705)	600.68	am	(P-13233/93.A.4705)
260.550	am	(P-13233/93.A.4705)	600.69	am	(P-13233/93.A.4705)
260.600	am	(P-13233/93.A.4705)	600.70	am	(P-13233/93.A.4705)
260.650	am	(P-13233/93.A.4705)	600.71	am	(P-13233/93.A.4705)
260.700	am	(P-13233/93.A.4705)	600.72	am	(P-13233/93.A.4705)
260.750	am	(P-13233/93.A.4705)	600.73	am	(P-13233/93.A.4705)
260.800	am	(P-13233/93.A.4705)	600.74	am	(P-13233/93.A.4705)
260.850	am	(P-13233/93.A.4705)	600.75	am	(P-13233/93.A.4705)
260.900	am	(P-13233/93.A.4705)	600.76	am	(P-13233/93.A.4705)
260.950	am	(P-13233/93.A.4705)	600.77	am	(P-13233/93.A.4705)
261.000	am	(P-13233/93.A.4705)	600.78	am	(P-13233/93.A.4705)
261.050	am	(P-13233/93.A.4705)	600.79	am	(P-13233/93.A.4705)
261.100	am	(P-13233/93.A.4705)	600.80	am	(P-13233/93.A.4705)
261.150	am	(P-13233/93.A.4705)	600.81	am	(P-13233/93.A.4705)
261.200	am	(P-13233/93.A.4705)	600.82	am	(P-13233/93.A.4705)
261.250	am	(P-13233/93.A.4705)	600.83	am	(P-13233/93.A.4705)
261.300	am	(P-13233/93.A.4705)	600.84	am	(P-13233/93.A.4705)
261.350	am	(P-13233/93.A.4705)	600.85	am	(P-13233/93.A.4705)
261.400	am	(P-13233/93.A.4705)	600.86	am	(P-13233/93.A.4705)
261.450	am	(P-13233/93.A.4705)	600.87	am	(P-13233/93.A.4705)
261.500	am	(P-13233/93.A.4705)	600.88	am	(P-13233/93.A.4705)
261.550	am	(P-13233/93.A.4705)	600.89	am	(P-13233/93.A.4705)
261.600	am	(P-13233/93.A.4705)	600.90	am	(P-13

ILLINOIS REGISTER

Volume 18, Issue #22

June 3, 1994

June 3, 1994

Title 8, cont.)	125,270	am	(P-2009/93.A.4811)	438,110	r	(P-2841.A.7439)	(P-19040.A.2089)	1700,170	am	(P-5394)	(P-19352/93.A.8398)	720,10	am	(P-3884)
	125,380	am	(P-2009/93.A.4811)	501,20	am	(P-19040.A.2089)	501,20	am	(P-5394)	(P-19352/93.A.8398)	720,20	am	(P-3884)	
	125,390	am	(P-2009/93.A.4811)	501,20	am	(P-5394)	502,50	am	(P-5394)	(P-19352/93.A.8398)	720,25	am	(P-3884)	
	257,10	am	(P-2009/93.A.4811)	509,95	am	(P-2832.A.7428)	509,20	n	(P-5394)	(P-19352/93.A.8398)	720,40	am	(P-3884)	
	257,20	am	(P-2009/93.A.4811)	509,220	am	(P-17858.A.2095)	509,220	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,30	am	(P-2009/93.A.4811)	509,220	r	(P-2832.A.7428)	509,300	n	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,40	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,50	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,60	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,70	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 9, cont.)	257,80	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,90	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,100	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,110	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,120	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,130	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,140	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,150	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,160	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,170	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 10	257,180	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,190	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,200	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,210	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,220	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,230	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,240	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,250	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,260	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,270	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 11	257,280	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,290	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,300	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,310	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,320	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,330	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,340	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,350	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,360	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,370	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 12	257,380	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,390	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,400	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,410	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,420	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,430	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,440	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,450	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,460	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,470	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 13	257,480	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,490	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,500	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,510	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,520	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,530	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,540	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,550	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,560	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,570	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 14	257,580	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,590	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,600	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,610	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,620	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,630	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,640	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,650	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,660	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,670	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
Title 15	257,680	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,690	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,700	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,710	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,720	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,730	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,740	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,750	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,760	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P-19352/93.A.8398)	730,30	am	(P-3830)	
	257,770	am	(P-2009/93.A.4811)	510,10	am	(P-17858.A.2095)	510,10	am	(P-5394)	(P				

SAI-3

SAI-4

ILLINOIS REGISTER

Volume 18, Issue #22

INDEX

June 3, 1994

7	1	n	P-211.36/93.3.A-4571	n	1570.40
8	1	n	P-12005/93.3.A-2200	n	1570.50
9	1	n	P-12005/93.3.A-2200	n	1570.60
10	1	n	P-12005/93.3.A-2200	n	1800.10
11	1	n	P-12005/93.3.A-2200	n	1800.20
12	1	n	P-12005/93.3.A-2200	n	1800.30
13	1	n	P-12005/93.3.A-2200	n	1800.40
14	1	n	P-12005/93.3.A-2200	n	1810.100
15	1	n	P-12005/93.3.A-2200	n	1810.110
16	1	n	P-12005/93.3.A-2200	n	1810.210
17	1	n	P-12005/93.3.A-2200	n	1810.220
18	1	n	P-578.A-7253	n	1810.230
19	1	n	P-578.A-7253	n	1810.240
20	1	n	P-578.A-7253	n	1810.250
21	1	n	P-578.A-7253	n	1810.300
22	1	n	P-578.A-7253	n	1810.400
23	1	n	P-578.A-7253	n	1810.410
24	1	n	P-578.A-7253	n	1810.430
25	1	n	P-578.A-7253	n	1810.440
26	1	n	P-578.A-7253	n	1810.450
27	1	n	P-578.A-7253	n	1810.500
28	1	n	P-578.A-7253	n	1810.520
29	1	n	P-578.A-7253	n	1810.530
30	1	n	P-578.A-7253	n	1810.540
31	1	n	P-578.A-7253	n	1810.600
32	1	n	P-578.A-7253	n	1810.620
33	1	n	P-13377/93.A-2939	n	1810.700
34	1	n	P-13377/93.A-2939	n	1810.710
35	1	n	P-13377/93.A-2939	n	1810.720
36	1	n	P-13377/93.A-2939	n	1810.730
37	1	n	P-13377/93.A-2939	n	1810.800
38	1	n	P-13377/93.A-2939	n	1810.810
39	1	n	P-13377/93.A-2939	n	1810.900
40	1	n	P-13377/93.A-2939	n	1810.1000
41	1	n	P-13377/93.A-2939	n	1810.1010
42	1	n	P-13377/93.A-2939	n	1810.1020
43	1	n	P-13377/93.A-2939	n	1810.1100
44	1	n	P-13377/93.A-2939	n	1810.1200
45	1	n	P-13377/93.A-2939	n	1810.1300
46	1	n	P-13377/93.A-2939	n	1810.1400
47	1	n	P-13377/93.A-2939	n	1810.1500
48	1	n	P-13377/93.A-2939	n	1810.1600
49	1	n	P-13377/93.A-2939	n	1810.1700
50	1	n	P-13377/93.A-2939	n	1810.1800
51	1	n	P-13377/93.A-2939	n	1810.1900
52	1	n	P-13377/93.A-2939	n	1810.2000
53	1	n	P-13377/93.A-2939	n	1810.2100
54	1	n	P-13377/93.A-2939	n	1810.2200
55	1	n	P-13377/93.A-2939	n	1810.2300
56	1	n	P-13377/93.A-2939	n	1810.2400
57	1	n	P-13377/93.A-2939	n	1810.2500
58	1	n	P-13377/93.A-2939	n	1810.2600
59	1	n	P-13377/93.A-2939	n	1810.2700
60	1	n	P-13377/93.A-2939	n	1810.2800
61	1	n	P-13377/93.A-2939	n	1810.2900
62	1	n	P-13377/93.A-2939	n	1810.3000
63	1	n	P-13377/93.A-2939	n	1810.3100
64	1	n	P-13377/93.A-2939	n	1810.3200
65	1	n	P-13377/93.A-2939	n	1810.3300
66	1	n	P-13377/93.A-2939	n	1810.3400
67	1	n	P-13377/93.A-2939	n	1810.3500
68	1	n	P-13377/93.A-2939	n	1810.3600
69	1	n	P-13377/93.A-2939	n	1810.3700
70	1	n	P-13377/93.A-2939	n	1810.3800
71	1	n	P-13377/93.A-2939	n	1810.3900
72	1	n	P-13377/93.A-2939	n	1810.4000
73	1	n	P-13377/93.A-2939	n	1810.4100
74	1	n	P-13377/93.A-2939	n	1810.4200
75	1	n	P-13377/93.A-2939	n	1810.4300
76	1	n	P-13377/93.A-2939	n	1810.4400
77	1	n	P-13377/93.A-2939	n	1810.4500
78	1	n	P-13377/93.A-2939	n	1810.4600
79	1	n	P-13377/93.A-2939	n	1810.4700
80	1	n	P-13377/93.A-2939	n	1810.4800
81	1	n	P-13377/93.A-2939	n	1810.4900
82	1	n	P-13377/93.A-2939	n	1810.5000
83	1	n	P-13377/93.A-2939	n	1810.5100
84	1	n	P-13377/93.A-2939	n	1810.5200
85	1	n	P-13377/93.A-2939	n	1810.5300
86	1	n	P-13377/93.A-2939	n	1810.5400
87	1	n	P-13377/93.A-2939	n	1810.5500
88	1	n	P-13377/93.A-2939	n	1810.5600
89	1	n	P-13377/93.A-2939	n	1810.5700
90	1	n	P-13377/93.A-2939	n	1810.5800
91	1	n	P-13377/93.A-2939	n	1810.5900
92	1	n	P-13377/93.A-2939	n	1810.6000
93	1	n	P-13377/93.A-2939	n	1810.6100
94	1	n	P-13377/93.A-2939	n	1810.6200
95	1	n	P-13377/93.A-2939	n	1810.6300
96	1	n	P-13377/93.A-2939	n	1810.6400
97	1	n	P-13377/93.A-2939	n	1810.6500
98	1	n	P-13377/93.A-2939	n	1810.6600
99	1	n	P-13377/93.A-2939	n	1810.6700
100	1	n	P-13377/93.A-2939	n	1810.6800
101	1	n	P-13377/93.A-2939	n	1810.6900
102	1	n	P-13377/93.A-2939	n	1810.7000
103	1	n	P-13377/93.A-2939	n	1810.7100
104	1	n	P-13377/93.A-2939	n	1810.7200
105	1	n	P-13377/93.A-2939	n	1810.7300
106	1	n	P-13377/93.A-2939	n	1810.7400
107	1	n	P-13377/93.A-2939	n	1810.7500
108	1	n	P-13377/93.A-2939	n	1810.7600
109	1	n	P-13377/93.A-2939	n	1810.7700
110	1	n	P-13377/93.A-2939	n	1810.7800
111	1	n	P-13377/93.A-2939	n	1810.7900
112	1	n	P-13377/93.A-2939	n	1810.8000
113	1	n	P-13377/93.A-2939	n	1810.8100
114	1	n	P-13377/93.A-2939	n	1810.8200
115	1	n	P-13377/93.A-2939	n	1810.8300
116	1	n	P-13377/93.A-2939	n	1810.8400
117	1	n	P-13377/93.A-2939	n	1810.8500
118	1	n	P-13377/93.A-2939	n	1810.8600
119	1	n	P-13377/93.A-2939	n	1810.8700
120	1	n	P-13377/93.A-2939	n	1810.8800
121	1	n	P-13377/93.A-2939	n	1810.8900
122	1	n	P-13377/93.A-2939	n	1810.9000
123	1	n	P-13377/93.A-2939	n	1810.9100
124	1	n	P-13377/93.A-2939	n	1810.9200
125	1	n	P-13377/93.A-2939	n	1810.9300
126	1	n	P-13377/93.A-2939	n	1810.9400
127	1	n	P-13377/93.A-2939	n	1810.9500
128	1	n	P-13377/93.A-2939	n	1810.9600
129	1	n	P-13377/93.A-2939	n	1810.9700
130	1	n	P-13377/93.A-2939	n	1810.9800
131	1	n	P-13377/93.A-2939	n	1810.9900
132	1	n	P-13377/93.A-2939	n	1811.0000
133	1	n	P-13377/93.A-2939	n	1811.0100
134	1	n	P-13377/93.A-2939	n	1811.0200
135	1	n	P-13377/93.A-2939	n	1811.0300
136	1	n	P-13377/93.A-2939	n	1811.0400
137	1	n	P-13377/93.A-2939	n	1811.0500
138	1	n	P-13377/93.A-2939	n	1811.0600
139	1	n	P-13377/93.A-2939	n	1811.0700
140	1	n	P-13377/93.A-2939	n	1811.0800
141	1	n	P-13377/93.A-2939	n	1811.0900
142	1	n	P-13377/93.A-2939	n	1811.1000
143	1	n	P-13377/93.A-2939	n	1811.1100
144	1	n	P-13377/93.A-2939	n	1811.1200
145	1	n	P-13377/93.A-2939	n	1811.1300
146	1	n	P-13377/93.A-2939	n	1811.1400
147	1	n	P-13377/93.A-2939	n	1811.1500
148	1	n	P-13377/93.A-2939	n	1811.1600
149	1	n	P-13377/93.A-2939	n	1811.1700
150	1	n	P-13377/93.A-2939	n	1811.1800
151	1	n	P-1337		

SAI-5

ILLINOIS REGISTER

Volume 18, Issue #22

INDEX

June 3, 1994

[illegible]

SAI-6

ILLINOIS REGISTER	
Volume 18, Issue #22	SECTIONS AFFECTED INDEX
June 3, 1994	

TITLE 44, cont.)	260 505		am	P-82331	365 405	n	P-9561E-1596)		
	260 506	am	P-82331	365 501	n	P-9561E-1596)			
550 110	n	P-3208)	260 506	am	P-13659/93.A-1939)	365 502	n	P-9561E-1596)	
550 110	n	P-3208)	310 401	am	P-1669E-1214)	365 503	n	P-9561E-1596)	
550 120	n	P-3208)	360 101	am	P-1669E-1214)	365 504	n	P-9561E-1596)	
550 130	n	P-3208)	360 103	am	P-1669E-1214)	365 504	n	P-9561E-1596)	
550 140	n	P-3208)	360 104	am	P-1669E-1214)	365 505	n	P-9561E-1596)	
550 150	n	P-3208)	360 106	am	P-1669E-1214)	365 506	n	P-9561E-1596)	
550 160	n	P-3208)	360 109	am	P-1669E-1214)	365 507	n	P-9561E-1596)	
550 170	n	P-3208)	360 114	am	P-1669E-1214)	365 508	n	P-9561E-1596)	
550 180	n	P-3208)	360 201	am	P-1669E-1214)	365 601	n	P-9561E-1596)	
550 190	n	P-3208)	360 202	am	P-1669E-1214)	365 602	n	P-9561E-1596)	
550 200	n	P-3208)	360 203	am	P-1669E-1214)	365 603	n	P-9561E-1596)	
550 210	n	P-3208)	360 204	n	P-1669E-1214)	365 604	n	P-9561E-1596)	
550 320	n	P-3208)	360 301	am	P-1669E-1214)	365 701	n	P-9561E-1596)	
550 330	n	P-3208)	360 303	am	P-1669E-1214)	365 702	n	P-9561E-1596)	
550 340	n	P-3208)	360 304	am	P-1669E-1214)	500 50	am	P-19834/93.C-796)	
550 350	n	P-3208)	360 305	am	P-1669E-1214)	700 100	n	P-4530.A-5826)	
550 360	n	P-3208)	360 309	am	P-1669E-1214)	700 110	n	P-4530.A-5826)	
550 370	n	P-3208)	360 310	am	P-1669E-1214)	700 205	n	P-4530.A-5826)	
550 46A	n	P-3208)	360 401	am	P-1669E-1214)	700 207	n	P-4530.A-5826)	
550 46B	n	P-3208)	360 402	am	P-1669E-1214)	700 209	n	P-4530.A-5826)	
550 46C	n	P-3208)	360 501	am	P-1669E-1214)	700 211	n	P-4530.A-5826)	
550 46D	n	P-3208)	360 503	am	P-1669E-1214)	700 213	n	P-4530.A-5826)	
550 46E	n	P-3208)	360 505	am	P-1669E-1214)	700 220	n	P-4530.A-5826)	
5000 250	n	P-15217/93.A-1886)	360 506	am	P-1669E-1214)	700 221	n	P-4530.A-5826)	
5000 310	am	P-5057)	360 507	am	P-1669E-1214)	700 222	n	P-4530.A-5826)	
TITLE 47	160 10	am	P-15747/93.A-5163)	360 601	am	P-1669E-1214)	700 223	n	P-4530.A-5826)
	160 30	am	P-15747/93.A-5163)	360 602	am	P-1669E-1214)	700 224	n	P-4530.A-5826)
	160 40	am	P-15747/93.A-5163)	360 603	am	P-1669E-1214)	700 225	n	P-4530.A-5826)
	160 50	am	P-15747/93.A-5163)	360 801	am	P-1669E-1214)	700 226	n	P-4530.A-5826)
	160 60	am	P-15747/93.A-5163)	360 802	am	P-1669E-1214)	700 227	n	P-4530.A-5826)
	160 70	am	P-15747/93.A-5163)	360 803	am	P-1669E-1214)	700 228	n	P-4530.A-5826)
	160 80	am	P-15747/93.A-5163)	360 804	am	P-1669E-1214)	700 228	n	P-4530.A-5826)
	160 101	am	P-8293)	360 901	am	P-1669E-1214)	700 250	n	P-4530.A-5826)
	260 102	am	P-8293)	360 902	am	P-1669E-1214)	700 252	n	P-4530.A-5826)
	260 103	am	P-8293)	360 903	am	P-1669E-1214)	700 260	n	P-4530.A-5826)
	260 104	am	P-8293)	360 905	am	P-1669E-1214)	700 265	n	P-4530.A-5826)
	260 105	am	P-8293)	360 906	am	P-1669E-1214)	700 275	n	P-4530.A-5826)
	260 106	am	P-8293)	360 1101	am	P-1669E-1214)	700 275	n	P-4530.A-5826)
	260 107	am	P-8293)	360 1102	am	P-1669E-1214)	700 280	n	P-4530.A-5826)
	260 108	am	P-8293)	365 101	n	P-9501E-1596)	TITLE 50		
	260 109	am	P-8293)	365 102	n	P-9501E-1596)	854 10	am	P-21143/93.A-6176)
260 110	am	P-8293)	365 110	am	P-9501E-1596)	854 20	am	P-21143/93.A-6176)	
260 111	am	P-8293)	365 104	n	P-9501E-1596)	854 30	am	P-21143/93.A-6176)	
260 112	am	P-8293)	365 105	n	P-9501E-1596)	854 40	am	P-21143/93.A-6176)	
260 113	am	P-8293)	365 106	n	P-9501E-1596)	854 50	am	P-21143/93.A-6176)	
260 114	am	P-8293)	365 107	n	P-9501E-1596)	855 10	am	P-21264/93.A-6168)	
260 201	am	P-8293)	365 108	n	P-9501E-1596)	855 20	am	P-21264/93.A-6168)	
260 202	am	P-8293)	365 109	n	P-9501E-1596)	855 30	am	P-21264/93.A-6168)	
260 203	am	P-8293)	365 110	n	P-9501E-1596)	855 40	am	P-21264/93.A-6168)	
260 204	am	P-8293)	365 111	n	P-9501E-1596)	855 50	am	P-21264/93.A-6168)	
260 205	am	P-8293)	365 112	n	P-9501E-1596)	855 II A	am	P-8411/93.A-685)	
260 301	am	P-8293)	365 113	n	P-9501E-1596)	1103 10	n	P-8411/93.A-685)	
260 302	am	P-8293)	365 115	n	P-9501E-1596)	1103 20	n	P-8411/93.A-685)	
260 303	am	P-8293)	365 116	n	P-9501E-1596)	1103 30	n	P-8411/93.A-685)	
260 304	am	P-8293)	365 202	n	P-9501E-1596)	1103 50	n	P-8411/93.A-685)	
260 305	am	P-8293)	365 203	n	P-9501E-1596)	1103 E A	n	P-8411/93.A-685)	
260 401	am	P-8293)	365 204	n	P-9501E-1596)	1250 10	n	P-3985/93.A-2730)	
260 402	am	P-8293)	365 301	n	P-9501E-1596)	1250 20	n	P-3985/93.A-2730)	
260 403	am	P-8293)	365 302	n	P-9501E-1596)	1250 30	n	P-3985/93.A-2730)	
260 404	am	P-8293)	365 303	n	P-9501E-1596)	1250 40	n	P-3985/93.A-2730)	
260 405	am	P-8293)	365 304	n	P-9501E-1596)	2012 10	am	P-11279/93.A-2238)	
260 406	am	P-8293)	365 305	n	P-9501E-1596)	2012 20	am	P-11279/93.A-2238)	
260 407	am	P-8293)	365 402	n	P-9501E-1596)	2012 30	am	P-11279/93.A-2238)	
260 501	am	P-8293)	365 402	n	P-9501E-1596)	2012 40	am	P-11279/93.A-2238)	
260 502	am	P-8293)	365 403	n	P-9501E-1596)	2012 55	am	P-11279/93.A-2238)	
260 503	am	P-8293)	365 404	n	P-9501E-1596)	2012 55	am	P-11279/93.A-2238)	

ILLINOIS REGISTER	
Volume 18, Issue #22	SECTIONS AFFECTED INDEX
June 3, 1994	

TITLE 50, cont.)	2630.82	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	101.75	n	(P-1068/93.A-4178)
	2630.83	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	106.45	am	(P-7583)
	2630.84	n	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	120.110	am	(P-3990)
	2630.85	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	121.130	am	(P-3976)
	2630.101	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	f	121.35	am	(P-3976)
	2630.102	f	(P-1279/93.A-2238)	(P-855)	f	(P-855)	f	121.35	am	(P-3976)
	2630.105	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	132.65	am	(P-3969)
	2630.112	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	132.65	am	(P-3982)
	2650.10	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	132.65	am	(P-3982)
	2650.11	am	(P-1279/93.A-2238)	(P-855)	am	(P-855)	am	132.65	am	(P-3982)
TITLE 62										
TITLE 56	2650.20	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.30	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.40	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.50	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.60	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.70	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.80	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.90	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.100	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.110	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.120	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.130	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.140	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.150	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.160	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.170	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.180	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.190	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.200	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.210	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.220	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.230	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.240	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.250	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.260	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.270	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.280	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.290	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.300	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.310	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.320	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.330	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.340	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.350	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.360	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.370	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.380	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.390	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.400	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.410	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.420	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.430	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.440	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.450	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.460	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.470	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.480	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.490	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.500	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.510	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.520	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.530	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.540	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.550	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.560	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.570	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.580	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.590	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.600	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.610	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.620	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.630	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.640	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.650	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.660	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.670	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.680	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.690	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.700	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.710	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.720	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.730	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.740	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.750	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
TITLE 56	2650.760	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.770	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.780	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.790	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.800	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.810	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.820	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.830	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.840	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am	240.10	am	(P-221/89/93.A-8061)
	2650.850	am	(P-206/93.RC-6022)	(P-206/93.RC-6022)	am	(P-206/93.RC-6022)	am			

ILLINOIS REGISTER

Volume 18, Issue #22	SECTIONS AFFECTED INDEX	June 3, 1994

(Title 77, cont.)

015.320	n	(P-17798/93.A-4320)	672.300	am	(P-12228/93.A-2450)	690.1210	f	(P-1691)
015.330	f	(P-1774/93.A-4317)	672.310	am	(P-12228/93.A-2450)	690.6r. A	f	(P-1691)
015.340	f	(P-17758/93.A-4317)	672.315	am	(P-12228/93.A-2450)	692.01	am	(P-1250/93.A-1427)
015.350	n	(P-1774/93.A-4317)	672.405	am	(P-12228/93.A-2450)	692.40r	am	(P-1250/93.A-1427)
015.360	n	(P-17758/93.A-4320)	672.415	am	(P-12228/93.A-2450)	692.40r	am	(P-1250/93.A-1427)
015.370	n	(P-1774/93.A-4317)	672.425	am	(P-12228/93.A-2450)	693.10	n	(P-3200/E-378)
015.380	n	(P-1774/93.A-4317)	672.435	am	(P-12228/93.A-2450)	693.20	n	(P-3200/E-378)
015.390	n	(P-1774/93.A-4317)	672.440	am	(P-12228/93.A-2450)	693.30	n	(P-3200/E-378)
015.400	n	(P-1774/93.A-4317)	672.445	am	(P-12228/93.A-2450)	693.30	n	(P-3200/E-378)
015.410	n	(P-1774/93.A-4317)	672.450	am	(P-12228/93.A-2450)	693.40	n	(P-3200/E-378)
015.420	n	(P-1774/93.A-4317)	672.455	am	(P-12228/93.A-2450)	693.50	n	(P-3200/E-378)
015.430	n	(P-1774/93.A-4317)	672.460	am	(P-12228/93.A-2450)	693.60	n	(P-3200/E-378)
015.440	n	(P-1774/93.A-4317)	672.465	am	(P-12228/93.A-2450)	693.70	n	(P-3200/E-378)
015.450	n	(P-1774/93.A-4317)	672.470	am	(P-12228/93.A-2450)	693.80	n	(P-3200/E-378)
015.460	n	(P-1774/93.A-4317)	672.475	am	(P-12228/93.A-2450)	693.90	n	(P-3200/E-378)
015.470	n	(P-1774/93.A-4317)	672.480	am	(P-12228/93.A-2450)	694.00	n	(P-3200/E-378)
015.480	n	(P-1774/93.A-4317)	672.485	am	(P-12228/93.A-2450)	694.10	n	(P-3200/E-378)
015.490	n	(P-1774/93.A-4317)	672.490	am	(P-12228/93.A-2450)	694.20	n	(P-3200/E-378)
015.500	n	(P-1774/93.A-4317)	672.495	am	(P-12228/93.A-2450)	694.30	n	(P-3200/E-378)
015.510	n	(P-1774/93.A-4317)	672.500	am	(P-12228/93.A-2450)	694.40	n	(P-3200/E-378)
015.520	n	(P-1774/93.A-4317)	672.505	am	(P-12228/93.A-2450)	694.50	n	(P-3200/E-378)
015.530	n	(P-1774/93.A-4317)	672.510	am	(P-12228/93.A-2450)	694.60	n	(P-3200/E-378)
015.540	n	(P-1774/93.A-4317)	672.515	am	(P-12228/93.A-2450)	694.70	n	(P-3200/E-378)
015.550	n	(P-1774/93.A-4317)	672.520	am	(P-12228/93.A-2450)	694.80	n	(P-3200/E-378)
015.560	n	(P-1774/93.A-4317)	672.525	am	(P-12228/93.A-2450)	694.90	n	(P-3200/E-378)
015.570	n	(P-1774/93.A-4317)	672.530	am	(P-12228/93.A-2450)	695.00	n	(P-3200/E-378)
015.580	n	(P-1774/93.A-4317)	672.535	am	(P-12228/93.A-2450)	695.10	n	(P-3200/E-378)
015.590	n	(P-1774/93.A-4317)	672.540	am	(P-12228/93.A-2450)	695.20	n	(P-3200/E-378)
015.600	n	(P-1774/93.A-4317)	672.545	am	(P-12228/93.A-2450)	695.30	n	(P-3200/E-378)
015.610	n	(P-1774/93.A-4317)	672.550	am	(P-12228/93.A-2450)	695.40	n	(P-3200/E-378)
015.620	n	(P-1774/93.A-4317)	672.555	am	(P-12228/93.A-2450)	695.50	n	(P-3200/E-378)
015.630	n	(P-1774/93.A-4317)	672.560	am	(P-12228/93.A-2450)	695.60	n	(P-3200/E-378)
015.640	n	(P-1774/93.A-4317)	672.565	am	(P-12228/93.A-2450)	695.70	n	(P-3200/E-378)
015.650	n	(P-1774/93.A-4317)	672.570	am	(P-12228/93.A-2450)	695.80	n	(P-3200/E-378)
015.660	n	(P-1774/93.A-4317)	672.575	am	(P-12228/93.A-2450)	695.90	n	(P-3200/E-378)
015.670	n	(P-1774/93.A-4317)	672.580	am	(P-12228/93.A-2450)	696.00	n	(P-3200/E-378)
015.680	n	(P-1774/93.A-4317)	672.585	am	(P-12228/93.A-2450)	696.10	n	(P-3200/E-378)
015.690	n	(P-1774/93.A-4317)	672.590	am	(P-12228/93.A-2450)	696.20	n	(P-3200/E-378)
015.700	n	(P-1774/93.A-4317)	672.595	am	(P-12228/93.A-2450)	696.30	n	(P-3200/E-378)
015.710	n	(P-1774/93.A-4317)	672.600	am	(P-12228/93.A-2450)	696.40	n	(P-3200/E-378)
015.720	n	(P-1774/93.A-4317)	672.605	am	(P-12228/93.A-2450)	696.50	n	(P-3200/E-378)
015.730	n	(P-1774/93.A-4317)	672.610	am	(P-12228/93.A-2450)	696.60	n	(P-3200/E-378)
015.740	n	(P-1774/93.A-4317)	672.615	am	(P-12228/93.A-2450)	696.70	n	(P-3200/E-378)
015.750	n	(P-1774/93.A-4317)	672.620	am	(P-12228/93.A-2450)	696.80	n	(P-3200/E-378)
015.760	n	(P-1774/93.A-4317)	672.625	am	(P-12228/93.A-2450)	696.90	n	(P-3200/E-378)
015.770	n	(P-1774/93.A-4317)	672.630	am	(P-12228/93.A-2450)	697.00	n	(P-3200/E-378)
015.780	n	(P-1774/93.A-4317)	672.635	am	(P-12228/93.A-2450)	697.10	n	(P-3200/E-378)
015.790	n	(P-1774/93.A-4317)	672.640	am	(P-12228/93.A-2450)	697.20	n	(P-3200/E-378)
015.800	n	(P-1774/93.A-4317)	672.645	am	(P-12228/93.A-2450)	697.30	n	(P-3200/E-378)
015.810	n	(P-1774/93.A-4317)	672.650	am	(P-12228/93.A-2450)	697.40	n	(P-3200/E-378)
015.820	n	(P-1774/93.A-4317)	672.655	am	(P-12228/93.A-2450)	697.50	n	(P-3200/E-378)
015.830	n	(P-1774/93.A-4317)	672.660	am	(P-12228/93.A-2450)	697.60	n	(P-3200/E-378)
015.840	n	(P-1774/93.A-4317)	672.665	am	(P-12228/93.A-2450)	697.70	n	(P-3200/E-378)
015.850	n	(P-1774/93.A-4317)	672.670	am	(P-12228/93.A-2450)	697.80	n	(P-3200/E-378)
015.860	n	(P-1774/93.A-4317)	672.675	am	(P-12228/93.A-2450)	697.90	n	(P-3200/E-378)
015.870	n	(P-1774/93.A-4317)	672.680	am	(P-12228/93.A-2450)	698.00	n	(P-3200/E-378)
015.880	n	(P-1774/93.A-4317)	672.685	am	(P-12228/93.A-2450)	698.10	n	(P-3200/E-378)
015.890	n	(P-1774/93.A-4317)	672.690	am	(P-12228/93.A-2450)	698.20	n	(P-3200/E-378)
015.900	n	(P-1774/93.A-4317)	672.695	am	(P-12228/93.A-2450)	698.30	n	(P-3200/E-378)
015.910	n	(P-1774/93.A-4317)	672.700	am	(P-12228/93.A-2450)	698.40	n	(P-3200/E-378)
015.920	n	(P-1774/93.A-4317)	672.705	am	(P-12228/93.A-2450)	698.50	n	(P-3200/E-378)
015.930	n	(P-1774/93.A-4317)	672.710	am	(P-12228/93.A-2450)	698.60	n	(P-3200/E-378)
015.940	n	(P-1774/93.A-4317)	672.715	am	(P-12228/93.A-2450)	698.70	n	(P-3200/E-378)
015.950	n	(P-1774/93.A-4317)	672.720	am	(P-12228/93.A-2450)	698.80	n	(P-3200/E-378)
015.960	n	(P-1774/93.A-4317)	672.725	am	(P-12228/93.A-2450)	698.90	n	(P-3200/E-378)
015.970	n	(P-1774/93.A-4317)	672.730	am	(P-12228/93.A-2450)	699.00	n	(P-3200/E-378)
015.980	n	(P-1774/93.A-4317)	672.735	am	(P-12228/93.A-2450)	699.10	n	(P-3200/E-378)
015.990	n	(P-1774/93.A-4317)	672.740	am	(P-12228/93.A-2450)	699.20	n	(P-3200/E-378)
016.000	n	(P-1774/93.A-4317)	672.745	am	(P-12228/93.A-2450)	699.30	n	(P-3200/E-378)
016.010	n	(P-1774/93.A-4317)	672.750	am	(P-12228/93.A-2450)	699.40	n	(P-3200/E-378)
016.020	n	(P-1774/93.A-4317)	672.755	am	(P-12228/93.A-2450)	699.50	n	(P-3200/E-378)
016.030	n	(P-1774/93.A-4317)	672.760	am	(P-12228/93.A-2450)	699.60	n	(P-3200/E-378)
016.040	n	(P-1774/93.A-4317)	672.765	am	(P-12228/93.A-2450)	699.70	n	(P-3200/E-378)
016.050	n	(P-1774/93.A-4317)	672.770	am	(P-12228/93.A-2450)	699.80	n	(P-3200/E-378)
016.060	n	(P-1774/93.A-4317)	672.775	am	(P-12228/93.A-2450)	699.90	n	(P-3200/E-378)
016.070	n	(P-1774/93.A-4317)	672.780	am	(P-12228/93.A-2450)	700.00	n	(P-3200/E-378)
016.080	n	(P-1774/93.A-4317)	672.785	am	(P-12228/93.A-2450)	700.10	n	(P-3200/E-378)
016.090	n	(P-1774/93.A-4317)	672.790	am	(P-12228/93.A-2450)	700.20	n	(P-3200/E-378)
016.100	n	(P-1774/93.A-4317)	672.795	am	(P-12228/93.A-2450)	700.30	n	(P-3200/E-378)
016.110	n	(P-1774/93.A-4317)	672.800	am	(P-12228/93.A-2450)	700.40	n	(P-3200/E-378)
016.120	n	(P-1774/93.A-4317)	672.805	am	(P-12228/93.A-2450)	700.50	n	(P-3200/E-378)
016.130	n	(P-1774/93.A-4317)	672.810	am	(P-12228/93.A-2450)	700.60	n	(P-3200/E-378)
016.140	n	(P-1774/93.A-4317)	672.815	am	(P-12228/93.A-2450)	700.70	n	(P-3200/E-378)
016.150	n	(P-1774/93.A-4317)	672.820	am	(P-12228/93.A-2450)	700.80	n	(P-3200/E-378)
016.160	n	(P-1774/93.A-4317)	672.825	am	(P-12228/93.A-2450)	700.90	n	(P-3200/E-378)
016.170	n	(P-1774/93.A-4317)	672.830	am	(P-12228/93.A-2450)	701.00	n	(P-3200/E-378)
016.180	n	(P-1774/93.A-4317)	672.835	am	(P-12228/93.A-2450)	701.10	n	(P-3200/E-378)
016.190	n	(P-1774/93.A-4317)	672.840	am	(P-12228/93.A-2450)	701.20	n	(P-3200/E-378)
016.200	n	(P-1774/93.A-4317)	672.845	am	(P-12228/93.A-2450)	701.30	n	(P-3200/E-378)
016.210	n	(P-1774/93.A-4317)	672.850	am	(P-12228/93.A-2450)	701.40	n	(P-3200/E-378)
016.220	n	(P-1774/93.A-4317)	672.855	am	(P-12228/93.A-2450)	701.50	n	(P-3200/E-378)
016.230	n	(P-1774/93.A-4317)	672.860	am	(P-12228/93.A-2450)	701.60	n	(P-3200/E-378)
016.240	n	(P-1774/93.A-4317)	672.865	am	(P-12228/93.A-2450)	701.70	n	(P-3200/E-378)
016.250	n	(P-1774/93.A-4317)	672.870	am	(P-12228/93.A-2450)	701.80	n	(P-3200/E-378)
016.260	n	(P-1774/93.A-4317)	672.875	am	(P-12228/93.A-2450)	701.90	n	(P-3200/E-378)
016.270	n	(P-1774/93.A-4317)	672.880	am	(P-12228/93.A-2450)	702.00	n	(P-3200/E-378)
016.280	n	(P-1774/93.A-4317)	672.885	am	(P-12228/93.A-2450)	702.10	n	(P-3200/E-378)
016.290	n	(P-1774/93.A-4317)	672.890	am	(P-12228/93.A-2450)	702.20	n	(P-3200/E-378)
016.300	n	(P-1774/93.A-4317)	672.895	am	(P-12228/93.A-2450)	702.30	n	(P-3200/E-378)
016.310	n	(P-1774/93.A-4317)	672.900	am	(P-12228/93.A-2450)	702.40	n	(P-3200/E-378)
016.320	n	(P-1774/93.A-4317)	672.905	am	(P-12228/93.A-2450)	702.50	n	(P-3200/E-378)
016.330	n	(P-1774/93.A-4317)	672.910	am	(P-12228/93.A-2450)	702.60	n	(P-3200/E-378)
016.340	n	(P-1774/93.A-4317)	672.915	am	(P-12228/93.A-2450)	702.70	n	(P-3200/E-378)
016.350	n	(P-1774/93.A-4317)	672.920	am	(P-12228/93.A-2450)	702.80	n	(P-3200/E-378)
016.360	n	(P-1774/93.A-4317)	672.925	am	(P-12228/93.A-2450)	702.90	n	(P-3200/E-378)
016.370	n	(P-1774/93.A-4317)	672.930	am	(P-12228/93.A-2450)	703.00	n	(P-3200/E-378)
016.380	n	(P-1774/93.A-4317)	672.935	am	(P-12228/93.A-2450)	703.10	n	(P-3200/E-378)
016.390	n	(P-1774/93.A-4317)	672.940	am	(P-12228/93.A-2450)	703.20	n	(P-3200/E-378)
016.400	n	(P-1774/93.A-4317)	672.945	am	(P-12228/93.A-2450)	703.30	n	(P-3200/E-378)
016.410	n	(P-1774/93.A-4317)	672.950	am	(P-12228/93.A-2450)	703.40	n	

SAI-15

ILLINOIS REGISTER

Volume 18, Issue #22	SECTIONS AFFECTED INDEX	June 3, 1994

Title 77, cont.)									
	(P-9149/93.A.8455)		am	RC-3115.1)		am	RC-3115.1)		(P-937)
110.2530	n	2650.15		am	RC-3115.1)		am	RC-3115.1)	415.430
1110.2530	n				RC-3115.1)		am	RC-3115.1)	415.450
1110.2540	n				RC-3115.1)		am	RC-3115.1)	415.120
1400.2550	n	2650.25		am	RC-3115.1)		am	RC-3115.1)	415.1080
1400.2600	am				RC-3115.1)		am	RC-3115.1)	415.1180
1400.2610	n	2650.30		am	RC-3115.1)		am	RC-3115.1)	415.4119
1400.2620	n				RC-3115.1)		am	RC-3115.1)	415.2070
1400.2630	n	2650.40		n	RC-3115.1)		n	RC-3115.1)	415.2010
1400.2640	am				RC-3115.1)		n	RC-3115.1)	415.2110
1400.2650	am	2650.50		n	RC-3115.1)		n	RC-3115.1)	415.2140
1400.2660	am				RC-3115.1)		n	RC-3115.1)	415.4390
1400.2670	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.25	n	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.26	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.27	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.28	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.29	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.30	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.31	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.32	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.33	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.34	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.35	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.36	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.37	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.38	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.39	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.40	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.41	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.42	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.43	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.44	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.45	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.46	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.47	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.48	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.49	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.50	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.51	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.52	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.53	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.54	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.55	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.56	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.57	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.58	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.59	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.60	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.61	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.62	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.63	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.64	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.65	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.66	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.67	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.68	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.69	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.70	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.71	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.72	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.73	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.74	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.75	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.76	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.77	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.78	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.79	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.80	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.81	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.82	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.83	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.84	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.85	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.86	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.87	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.88	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.89	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.90	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.91	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.92	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.93	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.94	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.95	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.96	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.97	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.98	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.99	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.100	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.101	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.102	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.103	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.104	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.105	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.106	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.107	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.108	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.109	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.110	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.111	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.112	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.113	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.114	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.115	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.116	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.117	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.118	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.119	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.120	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.121	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.122	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.123	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.124	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.125	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.126	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.127	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.128	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.129	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.130	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.131	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.132	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.133	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.134	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.135	am	2650.70		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.136	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.137	am	2650.80		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.138	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.139	am	2650.90		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.140	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.141	am	2650.10		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.142	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.143	am	2650.20		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.144	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.145	am	2650.30		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.146	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.147	am	2650.40		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.148	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.149	am	2650.50		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.150	am				RC-3115.1)		am	RC-3115.1)	415.4390
2080.151	am	2650.60		n	RC-3115.1)		am	RC-3115.1)	415.4390
2080.152	am				RC-3115.1)</				

SAI-16

